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SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Milton G. Kimpson, Judge  
Docket No. 21-ALJ-07-0144-CC

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APPELLATE CASE NO. 2023-000441

South Carolina DHEC, Carla Varn DuPre, and Jasper Varn III      Respondents

v.

Stephen Mueller, Pro Se      Appellant

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MOTION TO CONTINUE TO CONSIDER AN APPEAL IN CIVIL COURT

As I did miss a filing deadline under SCRCP Rule 60(b). I have relied upon Rule 68 giving me, at the discretion of the Judge, 1 year to have the case re-opened if new evidence should be considered. My motion to re-open was denied not because there was no new evidence or no errors in the Court's decision, but that "the Court chooses not to re-open". If you review my Motion of March 30, there is compelling new evidence that the decision of the ALC was incorrect and deserves to be appealed.

If the building permit is upheld I submit that there is a 100% probability that it will destroy a primary oceanfront sand dune and there will be a septic system on "active beach" Both activities are strictly illegal according to SCDHEC/OCRM regulations as well as Edisto Beach building codes. The ALC refers me to DHEC for relief and DHEC's position is to let the construction go ahead and then order it removed if it is determined to be illegal. If that happens, there will be a lot of very unhappy people when the issue could be resolved now.

Again, I respectfully request that the Court accept my Appeal.

April 5, 2023

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cc

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