

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph K. Anderson, III

ALC Case No. 19-ALJ-04-0492-A-AP
Appellate Case No. 2022-001765

JAMES MILLHOLLAND, # 367569,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO STRIKE

COMES NOW, Respondent, South Carolina Department of Corrections (SCDC or Department) and, pursuant to Rule 240, SCACR, moves this Honorable Court for an order striking from Appellant's Initial Reply Brief the portions where Appellant requests, in his conclusory paragraph, that the Court award him injunctive relief and punitive damages. *See* pp. 10-11. This Court can only affirm or reverse the lower court and cannot award injunctive relief or damages, including punitive damages. *See* SCACR 220(a) and (b)2 (2007) and *Hendley v. S.C. State Budget & Control Bd.*, 325 S.C. 413, 481 S.E.2d 159 (S.C. Ct. App. 1996).

For the foregoing reasons, Respondent moves this Court for an order striking the request for injunctive relief and punitive damages from Appellant's Initial Reply Brief.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**



Kensey Evans
Deputy General Counsel
Office of General Counsel
South Carolina Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

April 17, 2023

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Apr 17 2023

SC Court of Appeals

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RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date she mailed a copy of the **Motion to Strike** to Appellant, addressed as follows: **James Millholland (#367569)**, Allendale Correctional Institution, COA-0008-B, 1057 Revolutionary Trail, Fairfax, SC 29827.



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DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

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SC Court of Appeals

OFFICE OF GENERAL COUNSEL

April 17, 2023

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: James Millholland, #367569, v. South Carolina Department of Corrections
Appellate Case No. 2022-001765

Dear Ms. Kitchings:

Enclosed is Respondent's **Motion to Strike**, along with **Proof of Service**, in the above captioned appeal. Please file with the Court and return to me a clocked stamped copy of each.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Kensey Evans
Deputy General Counsel
South Carolina Department of Corrections

cc: James Millholland, 367569
Allendale Correctional Institution
COA-0008-A
1057 Revolutionary Trail
Fairfax, SC 29827