

REC. 3/17/23 From Madison J. McCree

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APR 17 2023  
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

John Baccus, #187393 )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Docket No. 22-ALJ-04-0288-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed on November 1, 2022, by John Baccus (Appellant), an inmate housed with the South Carolina Department of Corrections (SCDC or Department). The Notice of Assignment was filed November 10, 2022. The Department filed the Record on Appeal on January 6, 2023. On February 24, 2023, the Department filed a Motion to Dismiss (Motion) because Appellant has not timely filed a brief. The Motion was supported by an affidavit in which a Department employee attested that the Department did not receive a copy of Appellant's brief.

Pursuant the Rules of Procedure for the Administrative Law Court (SCALC Rules), Appellant's brief was due ninety days after the Notice of Assignment was filed, or February 8, 2023. See SCALC Rule 60(A). Additionally, SCALC Rule 54 requires that Appellant serve his brief on the Department. However, the affidavit attached to the Department's Motion shows that it was not served with Appellant's brief and, as of the date of this Order, Appellant has not responded to the Motion to Dismiss.

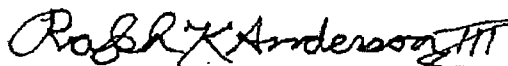
SCALC Rule 62 sets forth that an Administrative Law Judge may dismiss an inmate's appeal for failure to comply with the rules of procedure for appeals or for failure to comply with any time limits set forth in an appeal. Because the Department has established that Appellant did not serve his brief on the Department pursuant to the SCALC Rules, I conclude that this matter should be dismissed. Accordingly,

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IT IS HEREBY ORDERED that the Department's Motion to Dismiss is GRANTED,  
and this appeal is therefore DISMISSED WITH PREJUDICE.

AND IT IS SO ORDERED.




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Ralph King Anderson, III  
Chief Administrative Law Judge

March 14, 2023  
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Kathryn M. Buckner, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



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Kathryn M. Buckner  
Staff Attorney

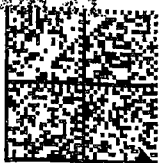
March 14, 2023  
Columbia, South Carolina

REC. 3/17/23 From Mailroom J. W. Zeke

COLUMBIA SC 290

STATE OF SOUTH CAROLINA  
Administrative Law Court  
EDGAR A. BROWN BUILDING  
1205 PENDLETON STREET, SUITE 224  
COLUMBIA, SOUTH CAROLINA 29201

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LEGAL MAIL

John Baccus, #187393,  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

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