

# The South Carolina Court of Appeals

Christopher L. Gadsden, Appellant,

v.

Tuan Qvoc Pham, Respondent.

Appellate Case No. 2023-000887

---

## ORDER

---

On June 2, 2023, this court temporarily granted Appellant's motion to stay, allowing ten days for Respondent to file a return to the motion and for Appellant to comply with § 27-40-800 of the South Carolina Code (2007). Appellant has failed to serve and file a written undertaking pursuant to § 27-40-800, as required by this court's order. *See* § 27-40-800(f)(1) ("Upon appeal to the Supreme Court or to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered."). Accordingly, the motion to stay is denied.

On June 2, 2023, this court sent Appellant a letter notifying him that his notice of appeal was not in the proper format, it was missing a proof of service on Respondent and the lower court, and it failed to include a statement of when Appellant received written notice of entry of the order on appeal. This court informed Appellant that he must correct these deficiencies within ten days or his appeal would be dismissed. Appellant has failed to comply; accordingly, this appeal is dismissed and the remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jun 14 2023**

cc:

Christopher L. Gadsden

Tuan Qvoc Pham