

The Supreme Court of South Carolina

Terrell McCoy, Appellant,

v.

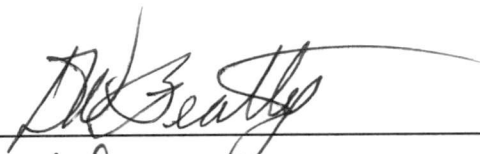
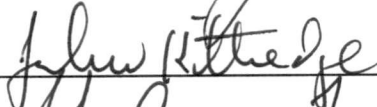
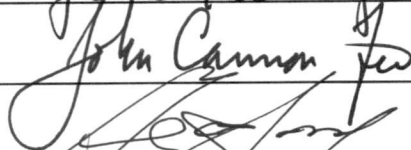
The State, Respondent.

Appellate Case No. 2023-001382

ORDER

In August 2023, the circuit court denied Petitioner's numerous Rule 60(b), SCRCP, motions related to his 2013 post-conviction relief action. Days later, Petitioner filed a timely Rule 59(e), SCRCP, motion to alter or amend the circuit court's judgment. Before the circuit court could rule on Petitioner's Rule 59(e) motion, Petitioner filed a notice of appeal with this Court. Two weeks later, Petitioner filed a "motion for leave" with this Court in which he requested "to return back" to the circuit court for the court to rule on his pending Rule 59(e), SCRCP, motion.

Because Petitioner's Rule 59(e) motion has not been ruled on by the circuit court, we grant Petitioner's motion for leave and dismiss Petitioner's notice of appeal without prejudice as premature. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 20 n.2, 602 S.E.2d 772, 778 n.2 (2004) (noting when a timely post-trial motion is pending before the lower court, any notice of appeal will be dismissed without prejudice as premature).

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina
October 24, 2023

cc:

Terrell McCoy, 00256070
Danielle Dixon, Esquire