

The Supreme Court of South Carolina

Louis Gainey, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-001558

ORDER

Petitioner filed a notice of appeal from the denial of his third application for post-conviction relief (PCR). Petitioner was asked to provide the explanation required by Rule 243(c), SCACR, and in light of the number of PCR applications Petitioner has filed, he was also asked to provide any reasons this Court should not impose restrictions on his filing of collateral actions challenging his 2009 conviction and sentence for assault and battery with intent to kill (Indictment No. 2007-GS-40-3131).

Petitioner has failed to show that there is an arguable basis for asserting the dismissal of his third PCR application was improper. Therefore, we dismiss the notice of appeal pursuant to Rule 243(c), SCACR. In addition, because Petitioner has not provided adequate reasons as to why this Court should not impose restrictions on his future filings, we hereby prohibit Petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging his 2009 conviction and sentence for assault and battery with intent to kill, or any motions in the underlying criminal case, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court. The remittitur will be sent as provided by Rule 221(b), SCACR.

<i>Ad Beatty</i>	C.J.
<i>John Rittberg</i>	J.
<i>John Cannon Jr</i>	J.
<i>Leo James</i>	J.
<i>Marlin</i>	J.

Columbia, South Carolina
December 12, 2023

cc:
D. Russell Barlow, II, Esquire
Louis Gainey, Jr., 00185519