

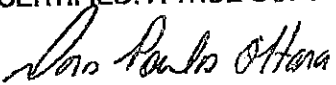
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF FLORENCE	)	TWELFTH JUDICIAL CIRCUIT
	)	
Tyrone Roberson,	)	Civil Action No. 2021-CP-21-01745
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>ORDER OF DISMISSAL</u></b>
	)	
Joseph P. McClean, Bryan Stirling as the	)	
Director of the South Carolina Department	)	
of Corrections, and SCDC State Agency	)	
Employee Insurer,	)	
	)	
Defendants.	)	

**RECEIVED**  
 JAN 18 2024  
 SC Court of Appeals

This matter came before the Court on November 8, 2023, on Plaintiff's Motion to Amend, Plaintiff's Motion per Rule 18b, Plaintiff's Motion/Objection to ADR and Writ of Execution, and Plaintiff's Motion for Reasonable Expenses Including Attorney's Fees and Costs for Defendants failing to answer Requests for Admissions. Tyrone Roberson appeared *pro se*, and J. Calhoun Watson appeared for Defendant Joseph P. McLean.

As the hearing began, the Court recognized counsel for Joseph P. McLean who requested that the matter be dismissed since there is no case or controversy before the Court. The basis for this request is that Plaintiff has only served Defendant Bryan Stirling, who was dismissed more than one year ago, and no other defendants have been served. After considering the record and arguments of Plaintiff and counsel for Joseph P. McLean, the Court makes the following findings and conclusions of law:

This action was filed on August 16, 2021. Defendant Bryan Stirling was served on November 12, 2021, and filed a motion to dismiss dated December 13, 2021. The motion to dismiss was granted by the Honorable George M. McFaddin, Jr. by Order dated April

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 CLERK OF COURT C.P. & G.S.  
 FLORENCE COUNTY, S.C.

27, 2022. After no affidavits of service as to the remaining defendants were filed with the court during the following year, the clerk's office issued a Dormant File Notice on June 15, 2023. This Notice directed Plaintiff to "respond within ten (10) days from the date of this letter with the appropriate motion or Affidavit of Service. This case will be dismissed pursuant to South Carolina Rule of Civil Procedure 5(d) if you do not timely respond." Plaintiff did not file an appropriate motion or Affidavit of Service within ten day period set out in the Dormant File Notice.

On July 6, 2023, this Court filed an Order indicating that "[t]he Plaintiff has (60) days from the date of this Order to properly serve the remaining Defendants, or the case will be dismissed." Again, Plaintiff did not file any Affidavits of Service with the court within the sixty-day period or at any time after the 60-day period ended.

As has been clearly established in South Carolina, *pro se* litigants are held to the same standard as attorneys. *State v. Burton*, 356 S.C. 259 n.5, 589 S.E.2d 6, 9 n.5 (2003) ("A *pro se* litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.") By failing to serve the remaining parties and file an Affidavit of Service, Plaintiff Roberson has not met the basic requirements necessary to commence a lawsuit as set out by the Rules 3 and 4 of the South Carolina Rules of Civil Procedure. Rule 5(d) requires that "[p]roof of service shall be filed within ten days after service of the summons and Complaint. Upon failure to serve the summons and complaint, the action may be dismissed by the court on the court's own initiative or upon application of the party." Plaintiff has not complied with the Dormant File Notice, dated June 15, 2023; the Order of this Court, dated July 6, 2023, or the Rules 2, 3, and 5 of the South Caroling Rules of Civil Procedure.

For these reasons, this Complaint is dismissed.

IT IS SO ORDERED.



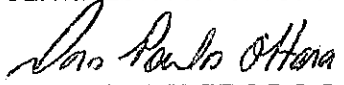
Florence Common Pleas

**Case Caption:** Tyrone Roberson VS Joseph Mclean , defendant, et al  
**Case Number:** 2021CP2101745  
**Type:** Order/Dismissal

So Ordered

s/ The Honorable Michael G. Nettles #2140

Electronically signed on 2023-11-09 16:07:12 page 4 of 4

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FLORENCE COUNTY, S.C.

ELECTRONICALLY FILED - 2023 Nov 09 4:34 PM - FLORENCE - COMMON PLEAS - CASE#2021CP2101745

FILED

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2021CP2101745

Tyrone Roberson  
2023 NOV -9 PM 4:36  
Joseph Mclean  
DORIS PAULUS O'HARA  
CCCP & GS  
FLORENCE COUNTY, SC

PLAINTIFF(S) DEFENDANT(S)  
Submitted by: Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.  
**Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

Circuit Court Judge

Judge Code

11/9/2023  
Date

For Clerk of Court Office Use Only

This judgment was entered on November 09, 2023, and a copy mailed first class or placed in the appropriate attorney's box on November 13, 2023, to attorneys of record or to parties (when appearing pro se) as follows:

CERTIFIED: A TRUE COPY  
*Loro Paulus O'Hara*  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

Tyrone Roberson Lee Correctional Institution 990 Wisacky Highway Bishopville, SC 29010

J. Calhoun Watson PO Box 11449 Columbia, SC 29211

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ATTORNEY(S) FOR THE PLAINTIFF(S)

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ATTORNEY(S) FOR THE DEFENDANT(S)

*Doris P O'Hara*

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Court Reporter

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Doris Poulos O'Hara - Clerk of Court

Court Reporter:

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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