

THE SOUTH CAROLINA COURT OF APPEALS

Michael Goins #302385
Appellant,

vs.

South Carolina Department
of Correction
Respondents.

Case No. # 2013-000960

MOTION FOR REHEARING

On July 22, 2013 the appellant received an order from the courts ordering appellant's appeal to be dismissed for failure to file his initial brief and designation of matter with his Proof of Service for Motion to proceed in forma pauperis.

Appellant has attached to this Motion a copy of all letters sent to him (Exhibit's A-E). Neither of those letters from the court indicate anything about an initial brief nor designation of matter, it only speaks of the Proof of Service for the Motion to proceed in forma pauperis.

Appellant was never notified by the respondents nor the courts that the Proof of Service for the Motion to proceed in forma pauperis had been approved or accepted, had Appellant been notified of this, the initial brief and designation of matter would have been sent.

Along with Appellant's Motion for Rehearing is Exhibit A-E as well as Appellant's initial brief and Motion to Produce Documents.

Pelzer, South Carolina
July 23, 2013

Mr. Michael Goins
Mr. Michael Goins #302385
430 Oaklawn Road
Pelzer, S.C. 29669

RECEIVED

AUG 01 2013

SC Court of Appeals



EXHIBIT
A

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 09, 2013

Michael D. Goins, 302385
430 Oaklawn Road
Pelzer SC 29669

Re: Michael Goins v. SCDC
Appellate Case No. 2013-000960

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

Michael Goins, #302385, Appellant,

v.

South Carolina Department of Corrections, Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christopher D. Florian
Jana E. Shealy



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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May 09, 2013

Michael D. Goins, 302385
430 Oaklawn Road
Pelzer SC 29669

Re: Michael Goins v. SCDC
Appellate Case No. 2013-000960

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$100.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christopher D. Florian



EXHIBIT
B

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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May 29, 2013

Michael D. Goins, 302385
430 Oaklawn Road
Pelzer SC 29669

Re: Michael Goins v. SCDC
Appellate Case No. 2013-000960

Dear Counsel:

Upon reviewing your motion to proceed in forma pauperis, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

cc: Christopher D. Florian



EXHIBIT
C

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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June 20, 2013

Michael D. Goins, 302385
430 Oaklawn Road
Pelzer SC 29669

Re: Michael Goins v. SCDC
Appellate Case No. 2013-000960

Dear Counsel:

Upon reviewing your motion to proceed in forma pauperis, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service for the motion to proceed in forma pauperis has not been provided. The proof of service received June 12, 2013, indicates service of the notice of appeal. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. Failure to correct this deficiency may result in the dismissal of your appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christopher D. Florian

The South Carolina Court of Appeals

Michael Goins, #302385, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-000960

The Honorable Carolyn C. Matthews
Trial Court Case No. 2012ALJ040912IJ

ORDER

The time for serving and filing the corrected proof of service for the motion to proceed in forma pauperis is hereby extended until July 22, 2013.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

SF 7/16/13

cc:

Michael D. Goins, 302385

Christopher D. Florian

The South Carolina Court of Appeals

Michael Goins, #302385, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-000960

The Honorable Carolyn C. Matthews
Trial Court Case No. 2012ALJ040912IJ

ORDER

Appellant has failed to timely serve and file the appellant's initial brief and designation of matter, as required by Rule 208 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Michael D. Goins, 302385

Christopher D. Florian

FILED

SF 7/22/13