

RECEIVED

MAR 07 2024

S.C. SUPREME COURT

The South Carolina Court of Appeals

Genuine Truth Banner, #375165, Appellant,

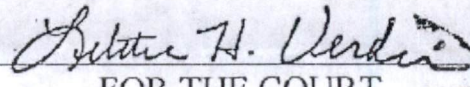
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2023-001786

ORDER

Appellant, who received a copy of the administrative law court's order on November 10, 2022, served his notice of appeal on Respondent on November 23, 2023. Respondent moved to dismiss the appeal because Appellant failed to timely serve his notice of appeal. After careful consideration, the motion is granted. *See* Rule 203(b)(6), SCACR (stating the notice of appeal from a decision of the administrative law court "shall be served" within thirty days of receipt of the decision.); S.C. Code Ann. § 1-23-610 (A)(1) (Supp. 2023) (requiring service of a notice of appeal within thirty days after the party receives the final decision and order of the administrative law court); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.").¹ The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Genuine Truth Banner, 375165

Joseph R Shakibanasab, Esquire

FILED
Feb 02 2024

¹ Appellant moved to proceed in forma pauperis. Because we dismiss this appeal, we take no action on Appellant's motion.