

The South Carolina Court of Appeals

John Alexander, Appellant,

v.

William G. Yarborough, III, Esquire; Lisa Cherry; John Doe, Contract Attorney; and John Doe, Paralegal, Respondents.

Appellate Case No. 2023-001839

ORDER

On March 28, 2024, this court dismissed this appeal after Appellant failed to file proof of timely service of the notice of appeal upon Respondents with this court. Appellant has now filed a motion to reinstate, which we construe as a petition to rehear the dismissal.¹ In his petition, Appellant argues that he properly *filed* his notice of appeal within thirty days of his receipt of notice of entry of the order on appeal. However, he has still failed to file proof that he timely *served* the notice of appeal upon Respondents, which is a jurisdictional requirement. *See* Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the 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."). Therefore, after careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been

¹ Appellant has also filed a successive motion to proceed *in forma pauperis*. This court already considered and denied Appellant's request to proceed *in forma pauperis*. Accordingly, we decline to entertain this motion. *See* Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

H. Bruce Williams C.J.

U. Ke J.

W. G. Yarborough, III J.

Columbia, South Carolina

cc:
John Douglas Alexander, 194748
William G. Yarborough, III, Esquire

FILED
Jun 14 2024