

# The South Carolina Court of Appeals

Kenneth S. Pinckney, Appellant,

v.

Leroy Pinckney, John Dandy Pinckney, Heirs of John Dandy Pinckney, Everlena Pinckney Kinlaw, Autumn Pinckney, Geneva Brown, Joe Louis Pinckney, Theresa Pinckney, Peggy Pinckney, Franklin Revenell and Willis Pinckney and John Doe and Mary Roe, fictitious names used to represent any and all other persons unknown who have or may claim any right, title, interest, or estate in or lien upon the real property hereinafter described, including any such as may be infants, incompetents, or otherwise under any disability, and heirs of any deceased Defendants named above, Respondents.

Appellate Case No. 2022-001555

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## ORDER

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This appeal was dismissed on June 11, 2024, after Appellant failed to serve and file an amended initial brief, in accordance with the South Carolina Appellate Court Rules and this court's April 15, 2024 order. The remittitur was properly sent on June 28, 2024. Appellant has now filed a motion to recall the remittitur and motion to reinstate the appeal. We construe the latter as a petition to rehear the dismissal.

A remittitur cannot be recalled except upon "a very strong showing . . . that the remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Appellant has failed to make such a showing. The remittitur was properly sent more than fifteen days after the order of dismissal was issued. *See* Rule 221(b), SCACR ("The remittitur . . . shall not be sent to the lower court or administrative tribunal

until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal."). Accordingly, the motion to recall remittitur is denied. Because the remittitur was properly sent, this appeal cannot be reinstated. Appellant has also failed to cure the deficiency causing dismissal. Accordingly, the petition for rehearing is also denied.<sup>1</sup>

H. Bruce Williams C.J.  
Stephanie P. McDonald J.  
[Signature] J.

Columbia, South Carolina

cc:  
Kenneth S. Pinckney  
J. Christopher Lanning, Esquire  
Leah Guerry Dupree

**FILED**  
**Sep 03 2024**

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<sup>1</sup> Appellant also requests an extension to serve and file his amended initial brief and designation of matter. We decline to rule on this request because the appeal is dismissed and rehearing denied.