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SEP 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

James A. Tucker # 260993)	
Appellant,)	Appellate case No. 2024-000718
)	
v.)	APPELLANT OBJECTION
)	TO
S.C. Dept. of Corrections)	COURTS ORDER
Respondent,)	
)	

On July 18, 2024., Appellant submitted a Motion To Correct a Clerical Error, in the Administrative Law Court's Order dated April 10, 2024., On August 26, 2024., Respondent's file a return to Appellant's Motion To Correct a Clerical Error and Motion To Remand, indooing so, the (Department) seeked to substantively change the agency final decision of Appellant's Step 2, Grievance response.

However, the court fail to take notice, that the Appellant's Step 2 Grievance is not in error, nor did the Appellant, Motion to correct clerical error mention any such error of the Step 2, Grievance. Appellant's Step 2, Grievance is not in error. The Step 2, Grievance has the correct Name, SCDC Number, Institution, Housing Unit, Work Assignment, and Final Agency Response.

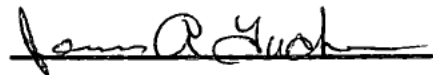
The only error Appellant, requested to be corrected is in the Order of Dismissal filed April 10, 2024. See: Appellant's July 18, 2024., Motion To Correct Clerical Error.

With that being said. Appellant Objects to the Courts Order dated September 10, 2024., ordering the (Department) to substantively alter/amend the agency's final response to Appellant's Step 2, Grievance that before the court., When the only con-fusion

was that the order simply named the wrong location/institution of the Appellant's job(s). (Copy of order attached dated September 10, 2024).

WHEREFORE, Appellant respectfully request the order dated September 10, be vacated as to altering/amending Appellant's Step 2, Grievance, and order the Department to file the record on appeal as has been previously ordered on August 26, 2024.

September 19, 2024.



James A. Tucker # 260993
Allendale Corr. Inst.
1057 Revolutionary Trail
FairFax, South Carolina-
29827

Enclosures

CC: Kensey Evans, Esquire
Christina Catoe Biglow, Esquire
The Honorable Jana E. Shealy
The Honorable Ralph King Anderson, III

The South Carolina Court of Appeals

James Anthony Tucker, #260993, Appellant,

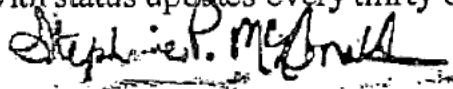
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2024-000718

ORDER

The Administrative Law Court (ALC) dismissed Appellant's appeal for failure to exhaust his administrative remedies. According to the ALC, Respondent denied Appellant's Step 2 Grievance as untimely. On July 23, 2024, Appellant filed a motion to remand this matter to the ALC to correct a "clerical error" in the order. Respondent filed a return, opposing Appellant's request and arguing Appellant sought a substantive change to the order. However, Respondent asked this court to remand the matter to the ALC with instructions to remand to Respondent for issuance of a corrected Step 2 Grievance response because "there was confusion below regarding the location of Appellant's job(s)." After careful consideration, we deny Appellant's motion and grant Respondent's request for a remand. We hold this appeal in abeyance and remand to the ALC. The ALC shall remand this appeal to Respondent for issuance of a corrected Step 2 Grievance response. Respondent shall provide this court with status updates every thirty days.



FOR THE COURT

Columbia, South Carolina

cc:

James A. Tucker, 260993

Kensley Evans, Esquire

Christina Catoe Bigelow, Esquire

The Honorable Jana E. Shealy

The Honorable Ralph King Anderson, III

FILED
Sep 10 2024

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

South Carolina Court of Appeals
PO Box 11029
Columbia, SC 29211

Addressed to (Inmate Name, SCDC#, and Address):

James Tucker 260993
ACP PO Box 1151 Hwy 47
Fairfax, SC 29827

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the
Allendale Correctional Mailroom on (Date) September 13, 2024

On (Date) September 16, 2024 the above referenced correspondence was delivered to
Inmate James Tucker, SCDC # 260993, and his signature
was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

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MAILROOM
ACI

[Signature]
Postal Director/Institution

9/17/24
Date

CERTIFICATE OF SERVICE

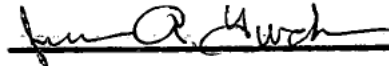
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Appellate Case No. 2024-000718

I do hereby certify that I have serve the original and copies of the Objection to the Courts Order, on the following counsels of records by placing the same in the United States mail with postage affixed thereto on this date below.

September 19, 2024.



James A. Tucker # 260993

Enclosures

CC: Kensey Evans, Esquire

Christine Catoe Biglow, Esquire

The Honorable Jana E. Shealy

The Honorable Ralph King Anderson, III.

James A. Tucker # 260993
Allendale Corr. Inst. F-3, A-12
1057 revolutionary Trail
FairFax, South Carolina - 29827

September 19, 2024.

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SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina - 29211

Re: James A. Tucker # 260993
Appellate Case No. 2024-000718

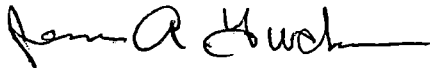
Dear Honorable Clerk:

enclosed you will find the original and a copy of the Objection to the order filed September 10, 2024., for your filing.

Please file the original and return the file copy to me for my record in the self address envelope provided for the return.

Thank you very much.

Sincerely,



Enclosures

CC: Kensey Evans, Esquire
Christine Catoe Biglow, Esquire
the Honorable Jana E. Shealy
The Honorable Ralph King Anderson, III

James Anthony Tucker 260993
Allendale C.I. F3 A12
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S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

"Inter-Agency"

LEGAL MAIL