



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
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August 20, 2024

Marshall Miller, 249557
Tyger River Correctional Institution
Upper Yard
200 Prison Road
Enoree SC 29335-9308

Re: Marshall Miller, #249557 v. SCDC
Appellate Case No. 2024-000412

RECEIVED
SEP 30 2024
SC Court of Appeals

Dear Mr. Miller:

The Court received your letter dated August 13, 2024, inquiring about the next step in perfecting your appeal. At this time, our records reflect your appeal is held in abeyance pending a decision on the motion to dismiss filed by the Department. Once a decision has been made, you will be notified.

Very truly yours,

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

CLERK

cc: Christina Catoe Bigelow, Esquire

The South Carolina Court of Appeals

Marshall Miller, #249557, Appellant,

v.

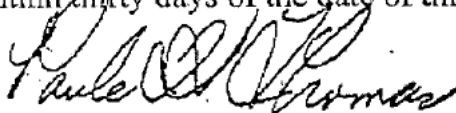
South Carolina Department of Corrections, Respondent.

Appellate Case No. 2024-000412

ORDER

On March 14, 2024, Appellant filed a notice of appeal from an administrative law court's order regarding his claim to a prevailing wage. On July 3, 2024, Respondent informed this court that the parties reached a settlement and requested "that, assuming no objection is received from Appellant in the next thirty days, the case be dismissed." Appellant filed a return on July 22, 2024, objecting to the dismissal of his appeal and explaining his understanding of the terms of the settlement agreement, which differed from Respondent's understanding. Respondent filed a reply on July 25, 2024, reiterating its request for the appeal to be dismissed. Subsequently, Appellant and Respondent submitted letters to this court regarding the motion to dismiss and settlement agreement. After careful consideration of the filings, we deny Respondent's motion to dismiss.

Additionally, on July 3, 2024, Respondent moved to file and serve its initial brief and designation of matter out of time. After careful consideration, we grant Respondent's motion to file out of time. Respondent's initial brief and designation of matter shall be filed and served within thirty days of the date of this order.



FOR THE COURT

Columbia, South Carolina

FILED
Sep 03 2024

cc:
Marshall Miller, 249557
Christina Catoe Bigelow, Esquire

FILED
Sep 03 2024



South Carolina Court of Appeals
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MARSHALL MILLER #12125021
 USP ATLANTA
 P.O. BOX 150160
 ATLANTA GA 30315

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