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**Nov 12 2024**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In the Honorable Court of Appeals**

**APPEAL FROM THE YORK COUNTY**

Hon. WILLIAM McKinnon, Chief Administrative Law Judge For  
the Circuit Court Case no 2022-cv-46-01509

**Appellate Docket/Case No. 2024-000269**

Kalishwar Das	Appellant.
v.	
York County	Appellee

**AMENDED REPLY BRIEF OF APPELLANT**

[As directed by the Court on November 7<sup>th</sup>, 2024]

*by*

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**Table of Contents**

<b><u>Contents</u></b>	<b><u>On Page no.</u></b>
<b>1. Introduction</b>	<b>4</b>
1.1 Overview of the Appeal	4
1.2 Purpose of this Reply Brief	5
<b>2. Case History and Elaboration of True Cause of Action in steps</b>	<b>6</b>
2.1 Events Leading to the Appeal (Incident on April 14, 2022)	6
2.2 The Incident on April 18, 2022	7
2.3 The Incident on April 29, 2022	7
2.4 Interaction with Federal Agencies	7
2.5 Filing of the Initial Complaint	8
2.6 Discovery of Tampering and its Implications	8
2.7 Changes in the Defendant and the Impact on Claims	8
<b>3. Responding to Defendant’s Statement</b>	<b>10</b>
3.1 Misrepresentation of the Case History	10
3.2 Critique of the Standard of Review	12
3.3 Flawed Statement of facts by defendant	13
3.4 The Role of Res Judicata and Its Inapplicability	15
<b>4. A critical examination of the dismissal of appellant's second amended complaint</b>	<b>16</b>
<b>5. Consequences of the Circuit Court's Actions</b>	<b>17</b>

5.1 Emotional and Psychological Impact	17
5.2 Financial Consequences	18
5.3 Ongoing Security Concerns	18
<b>6. Conclusion and Relief Sought</b>	<b>19</b>
<b>7. Summary of Key Points</b>	<b>19</b>
<b>8. Request for Action by the Court</b>	<b>20</b>

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## ***1. Introduction***

### ***1.1 Overview of the Reply Relief***

The **Appellant’s Reply Brief** addresses critical deviations made by the **Respondent** in an attempt to **misrepresent** the core issue of this appeal. This case is fundamentally about the **security breach** that occurred on **April 14, 2022**, when **Magistrate Colton** made an **unwarranted disclosure** linking the **Appellant to an FBI investigation**, causing ongoing **security concerns** and leaving the Appellant in a state of **insecurity and legal limbo**.

The Circuit Court’s dismissal of the case by substituting “York County” as the defendant under the guise of incorporating “Tort Claims” represented a dereliction of duty aimed at exonerating Magistrate Colton, the actual defendant, from accountability—taking the pro se immigrant Appellant for granted and subjecting him to undue bias and conflicts of interest. The *Defense Statement of Review*, which attempts to legitimize this change of defendant without request while leaving the claims unchanged, serves as an **affirmative defense** for their own guilt. This maneuver not only undermined the integrity of the judicial process but also left the Plaintiff-Appellant in a precarious state of uncertainty, devoid of lawful clarity or resolution concerning the serious security concerns central to this matter.

It is evident that the **Respondent**<sup>1</sup>, through their **attorney**, have **dangerously attempted** to mitigate the **security issue** by manipulating procedural rules, violating

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<sup>1</sup> “Respondents” are the “defendant” and/or “Appellee” in this case.

the principles of justice, and breaching their **oath to uphold truthfulness within the judiciary**. Such actions are not only irresponsible but warrant immediate **sanctions**.

The **Appellant's position** is straightforward: the actions of **Magistrate Colton** on **April 14, 2022**, along with the subsequent incidents on **April 18 and April 29**, and the **illegal dismissal** orchestrated to shield her, must be addressed head-on as her name was never relinquished neither from the amended complaint nor from the Claim. The court must ensure that **justice is not obstructed** by procedural tricks and that **public officials** are not allowed to escape **accountability** through **deceptive legal tactics**.

### *1.2 Purpose of this Reply Relief*

The purpose of the Reply Relief is to robustly counter the Respondent's misrepresentations and clarify the Appellant's position. This section aims to:

- a. **Correct Misunderstandings:** Address inaccuracies in the Respondent's claims, ensuring that the true facts of the case are presented.
- b. **Reaffirm Claims:** Reinforce the legitimacy of the Appellant's allegations regarding security breaches, public humiliation, and abuse of authority, highlighting their persistence despite procedural changes.
- c. **Legal Justification:** Cite relevant legal principles, particularly Rule 12(b)(6), emphasizing the requirement for courts to favorably view plaintiff allegations, thus underscoring that legitimate claims should not be dismissed without due consideration.
- d. **Highlight Procedural Irregularities:** Expose the improper change of the defendant and misinterpretation of the Appellant's intentions, demonstrating how these actions hindered the pursuit of justice.

- e. **Call for Justice:** Urge the appellate court to recognize the injustices encountered and seek the necessary relief to ensure that the Appellant's claims are fairly addressed.

In crux, the Reply Relief is essential for clarifying the case, affirming the Appellant's rights, and advocating for a just resolution.

## ***2. Case History and Elaboration of True Cause of Action in Steps***

***2.1 Events Leading to Appeal (incident of April 14, 2022):*** In an expedite rehearing of an eviction suit on April 14, 2022, landlord's reply was given only during the hearing to read and response in five uninterrupted minutes by the Magistrate Colton. But breaking her own rule, which can be seen "Omitted" in transcript-I (Between page 6 line 20-25) & on page 7 line 1-6) Magistrate Colton kept talking first about "*some 'Hess' and...an attorney in a case in North Carolina.* Upon Plaintiff request for a peaceful moment to focus reading given replies for response, she stopped for a minute and then started again talking: "*some Das of Rock Hill...participated in 9/11 investigation with the FBI...*" {Only Unedited Original Recording can reveal the exact words used and their sentencing format which is demanded.}

Both statements were aimed to deter Plaintiff's focus but the second statement led to significant distress for the Plaintiff in the court room as "this Das was none but him only and the participation in federal investigation which Magistrate uttered was a truthful statement" Immediately after the hearing, the **Plaintiff sought personal clarification from Magistrate Colton; however, she rudely deflected the inquiry**

towards the Plaintiff's 'racial profile, nationality, and cultural rituals' stating: "*I don't like them*".

**2.2 The Incident of April 18<sup>th</sup>, 2022:** Assuming that the FBI may have informed the Magistrate about the matter due to her role as an administrative officer, the Plaintiff initially regarded it as inconsequential. However, the incident on April 18<sup>th</sup>, 2022, dramatically shifted this perception. During this incident, the Magistrate ordered the court constable to prevent the Plaintiff from filing motions (for extension of time to vacate the place) by forcibly removing him from the court premises.

**2.3 The Incident of April 29<sup>th</sup>, 2022:** Plaintiff inquired with Magistrate about this action via email on April 19, 2022, he received a rude response in returning email next day, —confirming the dismissal of his motions without hearing and,—once signed, order will be mailed. But when Plaintiff did not receive any order, he attempted to obtain it by visiting courthouse on April 29, 2022, but **he was denied entry into the court premises** and so the order copy as well. Here, Plaintiff filed a notice of Appeal with Circuit Court on May 3<sup>rd</sup>, 2022 but withdrew it on 12<sup>th</sup> after landlord agreed to provide enough time to vacate the place but without giving any immediate relief in adjusting Plaintiff's ignored investment with due rent "as an out-going tenant".

**2.4 The interactions with the Federal Agencies:** The unusual behavior exhibited by the Magistrate on April 14<sup>th</sup>, 2022 and incidents of April 18<sup>th</sup> and 29<sup>th</sup> 2022 had raised a significant concern for the Plaintiff regarding his personal security, leading him to conclude that the investigative agencies must have made a grave error if they indeed shared his sensitive information with her kind of Magistrate Judge. Consequently, it became imperative for him to promptly seek guidance on mitigating any potential

danger, if any. FBI confirmed straightforwardly that “they never shared any information with her about him”, leaving Plaintiff in a state of enhanced danger.

**2.5 Filing of the Initial Complaint:** Plaintiff already had filed an initial complaint against Magistrate Colton and other involved parties on May 16, 2022. In September 2022, **other federal agencies also confirmed that no such information had been disclosed to any government officials.** This confirmation alongside FBI confirmation, further confirmed that Magistrate had some undisclosed source of this sensitive information so, the Plaintiff focused on obtaining court hearing records to compel Magistrate Colton to reveal those sources for his personal security.

**2.6 Discovery of Tampering and its Implications:** When the Circuit Court initially failed to address this matter of security breach, the Plaintiff filed a writ of mandamus with the Supreme Court to compel the court to provide the hearing record. Although the Supreme Court denied the writ, but the Plaintiff was eventually granted access to the hearing record, which he discovered had been tampered with (Transcript-I), **“omitting the same crucial minutes when she talked about the Plaintiff’s participation in terror investigation with the FBI”.** This evident omission further evidenced that the Magistrate had an undisclosed source of information which she attempted to conceal but literally failed as seen on Transcript-I on line-4 which states **“OFF THE RECORD”.**

**2.7 Changes in the defendant and the Impact on Claims:** Despite bringing this evident tampering to light amid **ignored interrogatories by the Magistrate, the Circuit Court chose not to address the substance of the Plaintiff's complaint.** Defense attorney first, adhering to the fact that **“Plaintiff was ousted from the court premises”** –arguably claimed without providing any evidence that **“it was an**

**administrative action of the Magistrate to maintain peace**” and the Circuit court, trusting this baseless claim agreed to convert this matter of ‘Security Breach and Public Humiliation’ into a “Tort Claim” where not only “the limit of compensation was discussed without being requested” but also the “judicial immunity was demanded for the defendant Magistrate Colton”.

Circuit Court dismissing Plaintiff’s motion to compel the defendant for the unedited court records—because interrogatories were denied, **pretentiously ordered to help Plaintiff** with the change of the name of individual defendant Colton to entity: “York County” with amended complaint within 10 days. Plaintiff followed the court order but “**without getting rid of Magistrate Colton’s accountability**”. Circuit court again dismissed the case and now **ordered to substantiate the claim only against “York County”** within 30 days.

This was an unviable demand of the court given the new defendant (“York County”) had no role in the original allegations so, the **Plaintiff still did not take the name of Magistrate Colton off the Complaint and without changing the original Claim** filed the 2<sup>nd</sup> Amended Complaint. Circuit court Judge McKinnon now dismissed the case by controversially adhering to the SCRCF Rule 12(b)(6) for failing to claim against new defendant “York County”, and also denied reconsideration of the dismissal on February 13, 2024, prompting this Appeal.

As said above, in almost all the statements including **ISSUES ON APPEAL, as presented by the defendant**, reflect a half-baked truth. They fail to disclose that, despite the Plaintiff’s good faith acceptance of “unusual court order” without being requested the change of the defendant’s name, was aimed to invoke “Tort Claim”, which Plaintiff followed without **relinquishing his actual claims against**

**Magistrate Colton regarding her role and accountability** as the prime issue in the main Complain. This led to a misinterpretation by the Circuit Court, which erroneously construed this refusal as a failure to seek relief under Rule 12(b)(6) against “York County”. This glaring oversight by the Circuit Court underscored a profound ignorance of the Plaintiff’s true intentions and a complete failure to recognize the legitimacy of the undeterred claims being asserted.

### ***3 RESPONDING TO DEFENDANT’S STATEMENTS***

***3.1 Misrepresentation of the Case History:*** The opposing party’s assertion that Kalishwar Das filed his initial Summons and Complaint against the "York County Defendants" is misleading, as the original complaint did not include York County. This omission significantly alters the context of the claims, as the focus was on individual defendants acting in their official capacities, rather than an entity that was only introduced later in the proceedings.

Furthermore, the claim that the defendant “York County” filed an Answer and Motion to Dismiss on June 17, 2022, is incorrect because “York County” was not named as a defendant until October 3, 2022. This misrepresentation serves to confuse the court regarding the timeline and the nature of the defenses raised. The court's order on September 27, 2022, allowed the Appellant ten days to file an Amended Complaint naming “York County” as the sole defendant. While this order is accurate, it fails to acknowledge that the shift in defendants was orchestrated by the court without a request from the Appellant. This alteration attempted to redirect the focus of the claims away from the original allegations against specific individuals to an entity that had no direct involvement in the underlying events.

The Appellant's Second Amended Complaint, filed on January 25, 2023, underscores the confusion created by the inclusion of York County as a defendant because the claims against the original defendant, Jennifer S. Colton, were rooted in specific wrongful actions that were not relinquished despite change of defendant by controversial court order. The dismissal of the Second Amended Complaint also contained the same allegation and claim as outlined in the main Complaint despite it was under constant coercion to mischaracterize it as the act of new defendant "York County" which the Plaintiff never accepted.

In denying the Appellant's motion for reconsideration, the court overlooked crucial issues related to security Breach and forceful obstruction in filing motion with public humiliation, further illustrating a potential bias aimed at safeguarding the interests of the court and its personnel. The suppression of these vital claims represents a denial of the Appellant's rights to due process, as guaranteed by the Fourteenth Amendment. The dismissal order fails to recognize that acceptance of an erroneous court order does not negate the Appellant's right to contest its legality, as established in *Floyd v. City of Charleston*, 374 S.C. 628, 649 S.E.2d 193 (2007) also because Appellant never omitted the actual offender and claims.

Additionally, the Appellant's request for reconsideration was based on the court's misunderstanding of the implications of changing the defendant. Under South Carolina law, reconsideration is warranted when a court has not fully considered an issue raised by a party (*Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004)). The court's failure to address these concerns denies the Appellant a fair opportunity to present his case and underscores the need for thorough examination in the appellate review process.

### ***3.2 Critique of the Standard of Review***

The opposing party's reliance on the standard of review for a motion to dismiss under Rule 12(b)(6), SCRCF, is fundamentally flawed and misleading. While it is true, as cited in *Baird v. Charleston County*, 333 S.C. 519, 527, 511 S.E.2d 69, 73 (1999), that a ruling must be based solely on the allegations in the complaint, this principle does not absolve the court from considering the broader context of the case.

The defense incorrectly asserts that the motion must be granted if the allegations do not entitle the plaintiff to relief, as outlined in *Jarrell v. Petoseed Co.*, 331 S.C. 207, 209, 500 S.E.2d 793, 794 (Ct. App. 1998). This assertion ignores the legal requirement that courts must evaluate whether the dismissal serves to suppress critical claims, particularly those involving Constitutional fundamental rights and due process violations.

The Appellant's allegations extend beyond mere dissatisfaction with the prior ruling; they encompass substantive claims regarding security breaches and public humiliation that have not been addressed by the Circuit Court. The suppression of these claims constitutes a violation of the Appellant's right to a fair judicial process, as outlined in the Fourteenth Amendment. The dismissal of claims without proper scrutiny undermines the principles established in *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), where the Supreme Court held that due process requires the opportunity for a hearing before an individual can be deprived of a significant interest. Which the defendant Ms. Colton being a Magistrate committed by ignoring constitutional laws and regulations by humiliating Plaintiff publicly for no viable reason but to ensure, Plaintiff does not move forward to inquire about her controversial revealing on him. She must had realized later after ousting Plaintiff that

his motion had a different topic but she still didn't correct it but rather rudely reacted on it through email on April 20<sup>th</sup>, 2022.

Additionally, the procedural safeguards outlined in Rule 12(b)(6) must not be manipulated to dismiss legitimate claims that warrant judicial examination. Courts have consistently held that dismissal under this rule should be approached with caution, as in *Brown v. Leverette*, 291 S.C. 364, 366, 353 S.E.2d 697, 698 (1987), where the court noted that "the motion cannot be sustained if facts in the complaint and inferences reasonably deducible therefrom would entitle the plaintiff to any relief on any theory of the case." In this instance, the failure to consider the context of the allegations constitutes a severe oversight.

Thus, the defense's invocation of the standard of review not only misrepresents the factual landscape but also undermines the integrity of the judicial process. The court had to recognize the broader implications of the suppressed claims and the potential violations of due process rights, necessitating a thorough examination of all relevant facts rather than a cursory dismissal.

### ***3.3 Flawed Statement of facts by defendant***

The defense attorney FALSELY asserts that the basis for the allegations against the Respondent in this case stems from the Appellant's dissatisfaction with the rulings of the York County Magistrates Court regarding a commercial eviction initiated by the landlord, Rawlinson Corner, LLC. This framing of the issue is fundamentally misleading and distracts from the actual claims presented in this appeal.

The defense's portrayal suggests that the Appellant's grievances are rooted in frustration over the eviction process. However, this narrative obscures the fact that

the landlord and the Appellant resolved all their concerns and misunderstanding amicably without involving court. The crux of the Appellant's claims lies not in dissatisfaction with the eviction ruling, but in serious **violations of security BREACH, public humiliation, and the unlawful barring from re-entering the court premises.** These issues are paramount and were effectively ignored by the defense IN HIS STATEMENT OF FACT.

The Appellant's Notice of Appeal, filed on May 2, 2022, related to quick eviction action for which the Plaintiff had attempted to file motion on April 18<sup>th</sup> 2022, which the Magistrate office not only failed to mail it (*as rudely promised by Magistrate herself through her personal email on April 20, 2022*) but also denied Plaintiff entry into the court premise on April 29, 2022. Understanding this open misbehavior and illegality committed by the Magistrate, Landlord wisely handled the situation by offering Plaintiff to withdraw the appeal first which he did on May 12, 2022, —and settled the dispute by filing of joint stipulation in July 2022 after providing free time to vacate the store. Notable is that, Plaintiff had an opportunity to re-continue his lease but due to **precarious situation created by Magistrate by revealing his name in a high profile terror investigation**, Plaintiff had no solution but to stop his public appearance doing business.

This truthful statement Plaintiff presents for the court to understand the actual situation and incidents which defendant is attempting to mitigate. Plaintiff had to put the name of landlord in Complaint temporarily until federal agencies including FBI had to make sure that they, with or without any relevant reason, had shared information about Plaintiff's participation in the terror investigation. But their denial to have ever shared any information, prompted the Plaintiff to focus on the matter of

security breach and misuse of authority in obstructing justice with public humiliation, thereby relieving landlord and other named defendants from the main Complaint.

By framing the issue as a dissatisfaction with prior rulings, the defense attorney is not only misrepresenting the facts but also attempting to deflect attention from the substantial legal and ethical violations that occurred. The real issues—security breaches and public humiliation—are what the Appellant seeks to address in this appeal, making the defense's argument fundamentally flawed and irrelevant.

### ***3.4 The Role of Res Judicata and Its Inapplicability***

The doctrine of res judicata, referenced by the defense, cannot shield the Respondent from scrutiny regarding the fundamental rights that were allegedly violated. As established in *Plum Creek Development Co. v. Conway*, 328 S.C. 347, 351, 491 S.E.2d 692 (Ct. App. 1997), res judicata bars not only issues litigated in a prior action but also issues that could have been litigated. Res judicata is applicable only in instances where a final judgment has been rendered on the merits of a case and has not been appealed to a higher court, as established in *Baker v. S.C. Dept. of Corrections*, 2007 WL 4541431 (S.C. Ct. App. Dec. 19, 2007), which states that "res judicata prevents parties from relitigating claims that were or could have been raised in a prior action that resulted in a final judgment." Additionally, in *King v. State*, 295 S.C. 329, 368 S.E.2d 664 (1988), the court explained that "a judgment on the merits in a prior action operates as an absolute bar to a subsequent action on the same cause of action between the same parties as if there is no new discovery made to challenge the original judgment." Ironically, in this case, there is no final judgment existing but an erroneous order of dismissal and challenging it is not the matter of *res judicata* doctrine.

#### ***4 A critical examination of the dismissal of appellant's second amended complaint***

The defense asserts that the Circuit Court correctly dismissed the Appellant's Second Amended Complaint based on Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, claiming it failed to assert any viable cause of action. However, this argument is fundamentally flawed and overlooks critical legal principles and substantive claims that were never addressed in the lower court's proceedings.

Firstly, the assertion that the Appellant's Second Amended Complaint lacked sufficient facts to constitute a viable cause of action is misleading. As established in *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999), the standard for a Rule 12(b)(6) dismissal requires the court to view the allegations in favor of the plaintiff. The Appellant's complaint detailed specific wrongful actions taken by the Respondent, including acts that directly violated the Appellant's rights, which should have been considered valid claims under the law. Notably, despite adhering to the court order to change the defendant's name which was a wrongful order, Plaintiff never changed his main complaint and original claims.

The critical issue ignored by the defense is the improper and forceful change of the defendant's name in the court proceedings, which significantly impacted the Appellant's ability to assert his claims with new defendant but retained its originality and the matter of main issues in Complaint. The Appellant's claims of public humiliation, security breaches, and procedural irregularities despite never removed, were not addressed under the guise of changed defendant, indicating a need for further judicial scrutiny rather than dismissal. As articulated in *Jarrell v. Petoseed Co.*, 331 S.C. 207, 500 S.E.2d 793 (Ct. App. 1998), a motion cannot be granted if facts and inferences in the complaint support any original theory of the case. The

forced change of defendant directly undermined the Appellant's case, a fact that should have compelled the court to allow the claims to proceed rather than dismissing them outright.

In conclusion, the defense's argument misrepresents the circumstances surrounding the dismissal of the Appellant's Second Amended Complaint. The Appellant's substantive claims merit a thorough examination rather than dismissal. The procedural history of the case, including the forced change of defendant, coupled with the specific legal precedents that support the viability of the claims, underscores the necessity for the appellate court to reconsider the lower court's ruling, ensuring that justice is served and fundamental rights are upheld.

## ***5 Consequences of the Circuit Court's Actions:***

### ***5.1 Emotional and Psychological Impact***

The unresolved security concerns stemming from Magistrate Colton's actions, coupled with the Circuit Court's failure to take appropriate measures, have compelled the Plaintiff to withdraw from common public engagements. This withdrawal has led to feelings of depression, loss of self-prestige, and a sense of abandonment, significantly diminishing the Plaintiff's quality of life. The emotional turmoil resulting from the Magistrate's unwarranted disclosures and the court's lack of accountability has created a pervasive atmosphere of anxiety, depression and insecurity not on the Plaintiff but upon entire family.

### ***5.2 Financial Consequences***

The emotional and psychological toll of enduring such distressing circumstances, exacerbated by the Circuit Court's irresponsibility, has had a profound impact on the Plaintiff's overall well-being and financial stability. The necessity to withdraw from public engagements has resulted in a significant loss of income, leaving the Plaintiff in a precarious financial situation that further contributes to his emotional distress.

### ***5.3 Ongoing Security Concerns***

The ongoing unresolved security issues have not only placed a considerable financial burden on the Appellant but have also instilled a persistent fear for the safety of both the Appellant and his family. While the alleged actions of Circuit Court Judges in shielding key figure—Magistrate Colton—have already raised serious concerns about potential judicial overreach, recent actions by the same court in the Appellant's other matters continue to exhibit patterns of apparent bias and abuse of authority, cannot be a neutral face of Judiciary to further exacerbate Appellant's security concerns. The Appellant refrains from requesting recusal or a change of venue as a testament to his hope in the judiciary's integrity, grounded in his awareness of legal rights and a firm commitment to fair justice as the ultimate resolution. A fair administration of justice through this higher court remains the only effective path forward, especially if the matter does not escalate to a federal investigation concerning Magistrate Colton's alleged concealment of source information. This environment of actual situation with heightened apprehension has manifested in various health issues, compounding the Appellant's stress and anxiety. The unresolved threats to personal safety continue to impact his mental and physical well-

being, underscoring the urgent need for judicial intervention to restore safety and peace of mind of the Appellant.

## ***6. Conclusion and Relief Sought***

The **Appellant respectfully requests** that the **South Carolina Court of Appeals** address the **improper dismissal** and ensure that the case proceeds with a focus on the **April 14, 2022 incident** involving the **security breach**, as well as the **subsequent actions** taken on **April 18 and April 29, 2022**. The **Respondent's attempt** to divert attention from the real issues by misrepresenting this appeal must be **rejected**, and the **court must not allow procedural shields** to obstruct a **thorough investigation** into **Magistrate Colton's actions**.

In light of the serious allegations and the profound implications of the Circuit Court's actions, the Appellant respectfully requests that the South Carolina Court of Appeals take immediate action under **Rule 220, SCACR**, which allows for expediting the consideration of appeals in certain circumstances. The unresolved security concerns stemming from Magistrate Colton's unwarranted disclosures have left the Plaintiff in a state of fear and uncertainty. This situation not only jeopardizes the Plaintiff's safety but also significantly impacts his emotional well-being and financial stability.

## ***7. Summary of the Key Points***

- **Procedural Irregularities:** The Circuit Court's order to change the defendant's name was executed under the guise of a baseless "Tort Claim," undermining the legitimacy of the Appellant's actual claims.

- **Misrepresentation of Claim:** The misinterpretation of the Plaintiff's refusal to omit claims as a failure to seek relief under Rule 12(b)(6) demonstrates a profound misunderstanding of the Plaintiff's intentions.
- **Ongoing Security Concern:** The unresolved security concerns resulting from the Magistrate's actions have caused severe emotional, psychological, and financial distress for the Plaintiff.
- **Emotional and Financial Toll:** The psychological impact of these circumstances has resulted in a decline in the Plaintiff's mental health and financial condition.

#### ***8. Request for Action by the Court of Appeals***

Given the urgency of the situation, the Appellant implores the Court of Appeals to recognize the grave nature of these issues and to reverse the Circuit Court's dismissal of the case. The Plaintiff seeks a fair opportunity to present his claims against Magistrate Colton and to obtain justice for the violations he has endured. Immediate action is essential not only for the Plaintiff's safety and well-being but also to uphold the integrity of the judicial process, as supported by **Rule 59(e), SCRPC**, which allows for reconsideration of orders that cause manifest injustice.

Respectfully Submitted on November 11, 2024.

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### Certificate of Compliance

I hereby certify that this brief complies with the typeface, word count, and formatting requirements of Rule 208(b)(1) of the South Carolina Appellate Court Rules. This brief is in BLUE Color (Rule 267 (e), “SCACR”), and in compliance to Rule 267(c) (“SCACR”) as directed on November 7<sup>th</sup>, 2024; and contains 4269 words, excluding the parts exempted by Rule 213.

*s/kalishwardas/s*

October Nov 11, 2024

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**SC Court of Appeals**

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Appellant's Designation of Matter with Brief has been served upon currently named Defendant through their counsel Mr. Todd A. Darwin electronically at email: [tdarwin@holcombebomar.com](mailto:tdarwin@holcombebomar.com) on November 11, 2024 at their Spartanburg, SC address below:

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