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In the State of South Carolina
In the Administrative Law Court

NOV 27 2024

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Ben Robert Stewart, 223006

JAN 02 2025

Case No. 24-ALJ.04.0611

SC Court of Appeals

Griev. No. LEE-CI 713-24

r.
South Carolina Department of Corrections,

And

Case No. 24-ALJ.04.0610

Griev. No. LEE-CI 539-24

Appidavit To Motion For Trial
And Extension of Time

The Appellant, Ben Robert Stewart, respectfully seeks a (30) thirty day extension of time to respond to the respondents motion to dismiss, previously Appellant filed a Motion For Consolidation on October 3, 2024 to the Administrative Law Court and on Respondent, however Respondent did not respond to the Motion, also Appellant has (7) seven open active cases and due to these extraordinary circumstances the Appellant seeks extension of time; Furthermore the Appellant is seeking a trial in this matter or a hearing to disputed facts regarding the respondents' alleged defense that "Appellant failed to file a Request to Staff Form" at 1 on (both) Respondent's Motion To Dismiss.

SWORN before me or affirmed on 27 of Nov. 2024.

This day my Commission expires on 3/3/2024

1 of 2

Ben Robert Stewart
990 Wisacky Hwy
Bishopville, S.C. 29010

IN THE STATE OF SOUTH CAROLINA

In the Administrative Law Court

Honorable Lenski, Administrative
Law Judge.

Case No. Ben Stewart v. SCDDC,
24CO611 - GRV No LCI 0713-24
24CO610 - GRV No LCI 0539-24

Affidant and
Motion To Consolidate

24-CO 632 - GRV No LCI 0449-24
24-CO 633 - GRV No LCI 0712-24

Ben Robert Stewart, 223006
990 Wisacky Highway
Bishopville, S.C. 29010

Jurisdiction

This Honorable Court has jurisdiction pursuant to *Allen v. South Carolina Department of Corrections*, 439 S.C. 164, 886 S.E.2d 671 (2023) held Administrative Law Court (ALC) had jurisdiction, "subject matter jurisdiction to review the Department's decision. quoting *Sandlin v. Conner*, 515 U.S. 472 (1995)

South Carolina Rule, Administrative Law Court Rule 19,
Section D. Motion for Consolidation

Affidavit and
Motion To Consolidate

I Ben Robert Stewart, hereby certify that the foregoing is true upon the best of knowledge and is subject to penalty for perjury and says:

1. I am the appellant in this instant appeal from the Department of Corrections at Lee Correctional Institution in Bishopville South Carolina.

2. I am seeking redress of grievance in this Court before the Honorable, Lenskis, Administrative Law Judge containing two subjects (1) Corporal punishment and (2) Unlawful transfer.

3. Due to the ineffective grievance process, appellant exhaustion or otherwise grievances of the same matter resulted in two appeals of the same subjects.

4. Presently, Case Number (24 C0611) regarding corporal punishment and case Number (24 C0610) regarding Unlawful transfer are before

this Honorable Court.

5. Appellant was notified by Memorandum dated, September 4, 2024 that a notice of Appeal was required for the additional grievances that was attached to cases/grievances that are before the court.

6. Appellant filed additional notice of appeals that were required according to SCALC Rule 57 on September 12, 2024 and also served Respondent.

7. Presumably, the two notice of appeals Numbers for grievances; (Lee CI 0712-24 regarding Corporal punishment) and (Lee CI 0449-24 regarding Unlawful transfer) will be on the Court's docket.

8. In advance, to save judicial income and time and also in the interest of justice appellant respectfully request to consolidate these matters.

9. In specifics, Appellant seeks to consolidate only the same subject matters before this court to eliminate confusion see;

Campbell v. Boston Scientific Corporation, 882 F.3d. 70
(4th Cir 2018) held, trial court did not abuse its discretion
in consolidating actions.

10. Appellant provides Exh D.1. Case information sheets regarding
Grievance No(s) LCI-0712-24; and LCI-0713-24 topic; Corporal punishment).

11. Appellant provides Exh D.2. Case information sheets regarding
Grievance No(s) LCI-0449-24; and LCI-0539-24 topic; Unlawful transfer).

12. Appellant seeks to consolidate Exhibits D.1 cases as one
matter; whereas they contain the precise subject matters and indeed
eliminate confusion; Corporal punishment.

13. Appellant seeks to consolidate Exhibits D.2. cases as one
matter; whereas they contain the precise subject matters and indeed
eliminate confusion; Unlawful transfer.

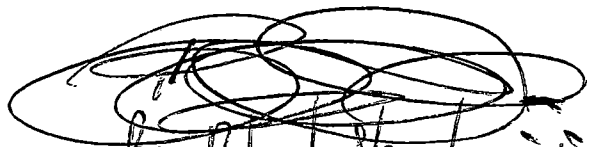
14. In the interest of justice, Appellant respectfully request

the Honorable Court to consolidate these appeals.

15. Appellant request that if respondent objects it be within reasonable time prior to or before October 12, 2024.

WHEREFORE, a request for consolidation of matters are sought and prays it be granted.

On this 3rd of October 2024

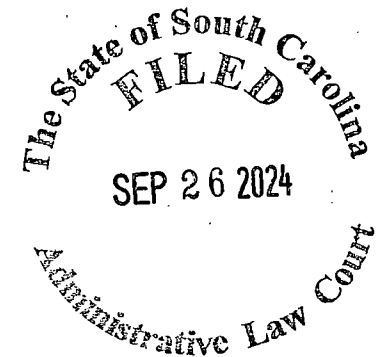

Ben Robert Stewart, 223006
990 Wisacky Highway
Bishopville, S.C. 29010

Dear Appellant:

9/25/2024

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No.
DOC Appeal	24C0633	9/13/2024	9/26/2024	Durden	Ben Stewart #223006 v. SC DOC	LCI 0712-24



You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

Dear Appellant:

9/25/2024

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No.
DOC Appeal	24C0632	9/13/2024	9/26/2024	Lenski	Ben Stewart #223006 v. SC DOC	LCI 0449-24



You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

Exhibit

D. 2.

Case information sheets regarding
Grievance No(s) LCI-0449-24 and
Grievance No LCI-0539-24 topic
Unlawful transfer

Dear Appellant:

9/25/2024

Page 14

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

*Unlawful
Transfer*

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No.
DOC Appeal	24C0632	9/13/2024	9/26/2024	Lenski	Ben Stewart #223006 v. SC DOC	LCI 0449-24



You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

Dear Appellant:

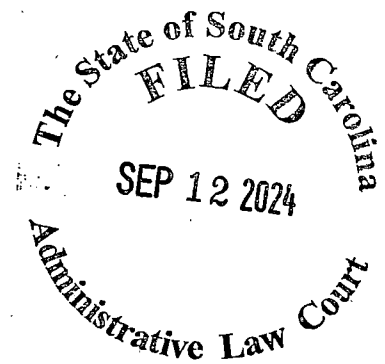
9/12/2024

Page 10

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

*Unlawful
Transfer*

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No
DOC 04 IJ	24C0610	8/27/2024	9/12/2024	Lenski	Ben Stewart #223006 v. SC DOC	LCI 0539-24



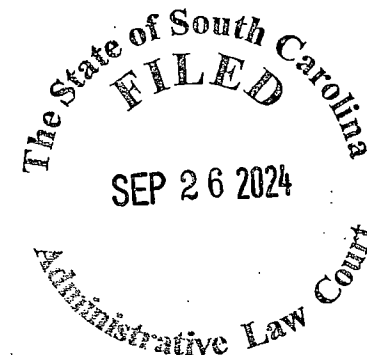
You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

Dear Appellant:

9/25/2024

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No.
DOC Appeal	24C0633	9/13/2024	9/26/2024	Durden	Ben Stewart #223006 v. SC DOC	LCI 0712-24



You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

IN THE COURT OF APPEALS
IN THE STATE OF SOUTH CAROLINA

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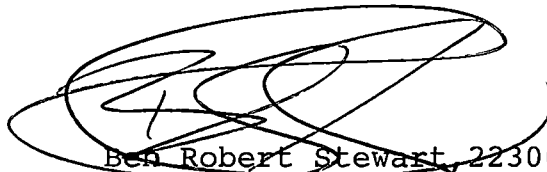
SC Court of Appeals

PROOF OF SERVICE

I Ben Robert Stewart, Appellant in the Appellate Case no. 2024-002076, the notice of appeal is filed and served to the Administrative Law Court, the office of General Counsel, and to the Court of Appeals on the date below;

On this 20th of December, 2024

Administrative Law Court
General Counsel
Court of Appeals



Ben Robert Stewart, 223006
Tyger River 200 Prison
Enoree SC. 29335-9308

2 of 2

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IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

JAN 02 2025

SC Court of Appeals

Administrative Law Court
S. Phillip Lenski

NOTICE OF APPEAL

Ben Robert Stewart, 223006

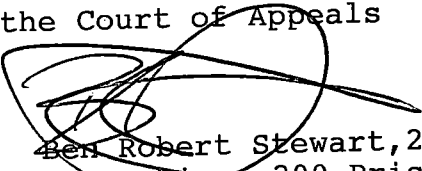
Appellant Case No.

v

State Of South Carolina

The Appellant Ben Robert Stewart, appeals the Administrative Law Court Order of Dismissal on December 3, 2024 in the following case numbers 24-ALJ-04-0632-AP. The Order of Dismissal is enclosed including Affidavit To Motion For Trial And Extension of Time and Motion to Consolidation for filing to the Administrative Law Court and the Office of the General Counsel upon filing to the Court of Appeals on the date below;

On this 20th of December 2024.


Ben Robert Stewart, 223006
Tyger River 200 Prison
Encree, SC. 29335

Administrative Law Court
General Counsel

1 of 2

In the South Carolina Administrative Law Court

PROOF OF SERVICE **RECEIVED**

JAN 02 2025

Ben Stewart v. SCDOC, 240611, SC Court of Appeals


I, Ben Robert Stewart, 223006, hereby certify that
the foregoing Affidavit and Motion To Consolidate Is
Being filed with the Clerks office at:

Administrative Law Court, 1205 Pendleton Street, Suite 224
Columbia, S.C. 29201

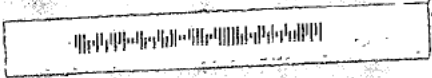
also on Respondent at:

General Counsel - S.C. Dept. of Corrections, P.O. Box 21787
Columbia S.C. 29221

This 3rd of October 2024


Ben Robert Stewart 223006
990 Wisareky Highway
Bishopville S.C. 29010

for Robert Stewart, 22306
Tiger River Rd. 200 Prinsald.
Enoree S.C. 29335-9308



The South Carolina Court of
Appeals
Post office Box 11629
Columbia, S.C. 29211

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