

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
Hon. Ralph K. Anderson, III, Presiding
Docket No. 24-ALJ-15-0034-AP

APPELLATE CASE NO., 2025-000488

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SC Court of Appeals

Michael Rowland #163624 -- APPELLANT, pro-se

-Vs-

S.C. Dep't of Prob., Parole and
Pardon Services, -- RESPONDENT.

APPELLANT'S REPLY BRIEF

COMES NOW, above captioned Appellant, Michael Rowland, #163624, pro-se, respectfully lodging his Reply to Respondent's Initial Brief on Appeal.

This matter is presently before this Court as a result of Appellant, an inmate housed in the South Carolina Department of Corrections, appealing the decision of the Administrative Law Court that was entered in the above captioned matter.

This appeal is being argued on procedural matters rather than on the merits. Appellant in this matter as previously stated throughout is an inmate housed in the South Carolina Department of Corrections. Appellant appear before the South Carolina Parole Board bi-annually, thus every two years. When the Appellant received his letter form denial of parole, the Parole Board and/or Probation, Parole and Pardon Services did not provide Appellant with the proper appeal form. Id.

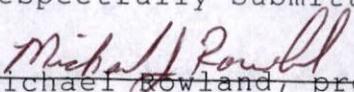
Appellant, a pro-se inmate has exercised due diligence in trying to perfect the appeal and any delay is attributable to Respondents, as Respondents are liable for providing inmates the proper appeal forms when denied parole.

As a discretionary doctrine that turns on the facts and circumstances of a particular case, equitable tolling does not lend itself to bright-line rules." Fisher v. Johnson, 174 F.3d 710, 713 (5th Cir.1999). The doctrine has been applied in "two generally distinct kinds of situations. In the first, the plaintiffs were prevented from asserting their claims by some kind of wrongful conduct on the part of the defendant. In the second extraordinary circumstances beyond plaintiff's control made it impossible to file the claims on time. Alvarez-Machain v. U.S., 107 F.3d 696, 700 (9th Cir.1996)(citation omitted). But any invocation of equity to relieve the strict application of statute of limitations must be guarded and infrequent, lest circumstances of individualized hardship supplant rules of clearly drafted statutes. Any resort to equity must be reserved for those rare instances like the one at hand -- where -- due to circumstances external to Appellant's conduct -- it would be unconscionable to enforce the limitation period against Appellant and a gross injustice would result. Equitable tolling should be applied in the instant matter. See Harris v. Hutchinson, 209 F.3d 325 (4th Cir.2000).

CONCLUSION

based on the unique facts and circumstance of this case equitable tolling should be applied and the case should be remanded to the ALC with instructions to hear the merits.

Respectfully Submitted,

/s/ 
Michael Rowland, pro se