

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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DEC 29 2025
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Case No. 2025-001423

James Edward Johnson, Jr. #353643,

Appellant

v.

South Carolina Department of Corrections,

Respondent.

APPELLANT'S MOTION FOR AN ORDER TO COMPEL PREPARATION OF THE
RECORD AND FOR EXTENSION OF TIME

James Edward Johnson, Jr., SCDC #353643

Evans Correctional Institution

610 Highway 9 West

Bennettsville, SC 29512

Appellant, *Pro Se*

Appellant, James Edward Johnson, Jr., respectfully moves this Court, pursuant to Rule 209(b), SCACR, for an Order (1) directing the Clerk of the South Carolina Administrative Law Court (“ALC”) to prepare and provide the Record on Appeal and (2) granting an extension of time to file said record.

In support, Appellant shows:

1. Procedural Posture and Court Directive.

This appeal is from a Final Order of Dismissal entered by the ALC on May 29, 2025.

Appellant filed a timely Notice of Appeal and a Designation of Matter for Inclusion in Record on Appeal with this Court on October 7, 2025. The Court has now instructed Appellant to provide the Record on Appeal for filing.

2. The Lower Tribunal Clerk's Failure to Act.

Pursuant to standard procedure under Rule 209, SCACR, the responsibility for preparing the record upon receipt of a designation lies with the clerk of the lower tribunal. The ALC Clerk has not prepared or transmitted the record to this Court, nor provided it to Appellant.

3. The Propriety of the Designation and the Clerk's Duty.

Appellant's Designation clearly identifies the documents necessary for this appeal, including pleadings, orders, and the “subsequent submissions” which are the subject of the appeal, as permitted by Rule 210(c), SCACR. A proper designation places a mandatory, ministerial duty on the lower court clerk to include the designated materials in the record. See Rule 210(c)

(“The designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal.”).

Appellant has fulfilled this duty by filing a proper designation.

4. Appellant’s Duty and Inability Under Rule 209(b).

Because the ALC Clerk has not prepared the record, the duty to “cause” its preparation now falls to Appellant under Rule 209(b). However, Appellant cannot physically access or duplicate the court’s own file. The only way to “cause” the preparation is for this Court to direct the ALC Clerk to perform the mandatory duty triggered by Appellant’s proper designation.

5. Essential Nature of the Omitted Documents.

The designated record includes the “subsequent submissions,” which are the subject of this appeal. The ALC’s dismissal order and Respondent’s brief both reference these submissions not being considered. Their absence from the record would prevent this Court from reviewing the core allegation of error.

WHEREFORE, Appellant respectfully asks this Court enter an Order:

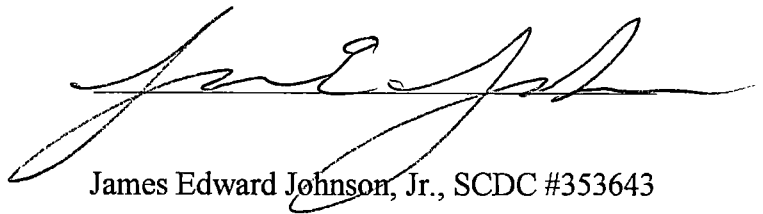
1. Directing the Clerk of the South Carolina Administrative Law Court, pursuant to Rules 209(b) and 210(c), SCACR, to immediately prepare, certify, and make available to Appellant the complete Record on Appeal as properly designated.

2. Granting Appellant an extension of thirty (30) days from the date the record is received from the ALC Clerk to file the certified record with this Court.

3. Granting such other and further relief as is just.

Respectfully submitted,

December 23, 2025

A handwritten signature in black ink, appearing to read 'James E. Johnson, Jr.', written in a cursive style.

James Edward Johnson, Jr., SCDC #353643

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CERTIFICATE OF SERVICE

I, James Edward Johnson, Jr., Appellant, hereby certify that on Dec 23rd 2025, a true and correct copy of the foregoing "Appellant's Motion For an Order to Compel Preparation of the Record and for Extension of Time" was served upon the Respondent by depositing said copy/copies into the institutional mail system to be forwarded via U.S. Mail by an authorized institutional staff member, rather than directly into the U.S. Mail by myself:

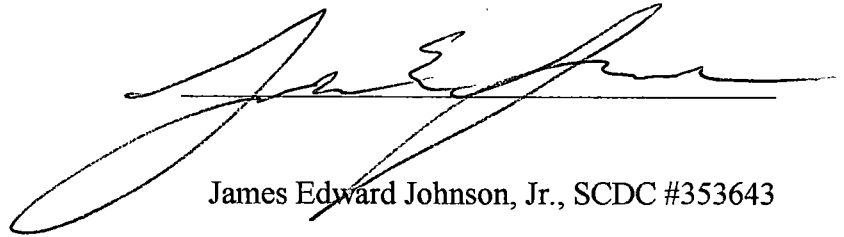
Christina C. Bigelow

Office of the General Counsel

South Carolina Department of Corrections

P.O. Box 21787

Columbia, SC 29221-1787

A handwritten signature in black ink, appearing to read 'James Johnson', written over a horizontal line.

James Edward Johnson, Jr., SCDC #353643

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