

The South Carolina Court of Appeals

Marion Wade Frye #375354, Appellant,

v.

United States; State of South Carolina; South Carolina Department of Corrections; Prisma Health ? Midlands Hospital; Alan Howard Brill, MD; Nicholas D. Papadea, MD; George Shealy, RN; Victoria, RN; Trisha Ann Jones, CRNA; Larence Smith, RN; Colby Bounds, RN; Gabrielle Jenkins, RN; Linda Heatwole, RN; Samantha Robinson, RPA; The Governor of South Carolina Henry McMaster; The South Carolina Attorney General Alan McCrory Wilson; Bryan Sterling; The South Carolina Department of Corrections Medical Services Director; John Doe, MD of Evans C.I.; Bruce Lobitz, MD; Viola Thorton, RN; Image Care, LLC; Timothy P. close, MD; Jane Doe, Image Care, LLC; The South Carolina Department of Licensing Labor and Regulation State Board of Medical Examiners; South Carolina Department of Labor Licensing and Regulation, State Board of Medical Examiners Directors; The United States Health and Human Services, Food and Drug Administration; The United States Health and Human Services, Food and Drug Administration, Secretary; The United States Health and Human Services, Office of Inspector General; The United States Health and Human Services, Office of Inspector General, Inspector General; John Doe, Dr. Soto of S.C.D.C.; Jane Doe, RN, Ridgeland, C.I.; Jane Doe, RN, Lee County C.I.; Jane Doe RN, Massey of Broad River C.I.; Jane Doe, RN, Opedia of Broad River C.I.; Jane Doe, Dr. Chapman of Broad River C.I.; Jane Doe, RN of Broad River C.I., Nightshift; Jane Doe, MD of Tyger River C.I.; C. Hall, RN of Tyger River C.I.,; Jane Doe RN of Kershaw C.I.; Jane Doe, RN of Turbeville C.I.; The United States Department of Justice; The United States Health and Human Services, Office of Civil Right; The United States Health and Human

Services, Office for Civil Rights, Secretary; The United States Office of Special Counsel; the United States Department of Justice, Federal Bureau of Prisons; The United States Department of Justice, Federal Bureau of Prisons, Director; The South Carolina Law Enforcement Division, Chief Mark A. Keel; John Doe, South Carolina Law Enforcement Officer No. One; John Doe, South Carolina Law Enforcement Office No. Two; Jane Doe, South Carolina Law Enforcement Officer No. Three; Donnie Stonebreaker; John Doe, Wray/Ray, Associate Warden of Evans C.I.; John Doe Warden of Ridgeland C.I.; John Doe Hubbard, Associate Warden of Evans, C.I.; John Doe Bailey, Associate Warden of Ridgeland C.I.; Kenneth Nelson, Warden of Broad River C.I.; Shane Jackson, Warden of Lee County C.I.; John Doe Tisdale, Associate Warden of Lee County C.I.; John Doe Dr. Jay of Broad River C.I.; John Doe, Cannon Associate Warden of Broad River C.I.; John Doe, Warden of Tyger River C.I.; John Doe, Associate Warden of Tyger River C.I. No. One; John Doe Associate Warden of Tyger River C.I. No. Two; John Doe Warden of Kershaw C.I. No. One; John Doe Associate Warden of Kershaw C.I. No. Two; Kenneth Sharp Warden of Turbeville C.I.; Jonathan Williams Associate Warden of Turbeville C.I.; Richard Chvala Associate Warden of Turbeville C.I.; Jane Doe Officer of Evans C.I.; John Doe Officer of Evans C.I.; the United States Department of Justice, Federal Bureau of Prisons Director; Jane Doe, RN of Broad River C.I.; United States Attorney's Office; The South Carolina Office of the Inspector General; The South Carolina Inspector General; The South Carolina Governor's Office; The South Carolina Attorney General's Office; Jane Doe, RN of Turbeville, C.I., Defendants,

of which the United States is the Respondent.

Appellate Case No. 2025-002449

ORDER

On December 8, 2025, Appellant filed his notice of appeal. On January 5, 2026, Appellant filed a motion to order the transcript out of time. On January 9, 2025, Appellant filed a motion "For Leave of Court to Take Deposition Pending Appeal." On January 12, 2026, Appellant moved to amend the notice of appeal. On January 21, 2026, the court dismissed the appeal based on Appellant's failure to timely order the transcript; the dismissal order also indicated Appellant had failed to pay the filing fee for the motion to order the transcript out of time. On February 6, 2026, Appellant moved to reinstate the appeal.

After careful consideration, we reinstate the appeal. Further, we grant the motion to order the transcript out of time. Appellant shall provide proof of ordering the transcript within ten days of the date of this order; failure to comply may result in the dismissal of the appeal. *See* Rule 207(a)(1) ("Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. . . . Appellant shall contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter."); Rule 207(a)(2), SCACR ("The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request."); Rule 207(a)(5), SCACR ("If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate court, and the court reporter in writing."). Additionally, we deny Appellant's motion "For Leave of Court to Take Deposition Pending Appeal." Finally, we grant the motion to amend the notice of appeal to include the circuit court's December 23, 2025 order denying his motion to reconsider the order on appeal.



J.
FOR THE COURT

Columbia, South Carolina

FILED
Mar 05 2026

cc:

Marion Wade Frye, 375354

David Allen Anderson, Esquire