

The Supreme Court of South Carolina

Herbert McDowell, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001977

ORDER

Petitioner has filed a notice of appeal from an order of the circuit court denying and dismissing petitioner's fifth application for post-conviction relief (PCR). Petitioner has also submitted the explanation required by Rule 243(c), SCACR. We find petitioner has failed to show there is an arguable basis for asserting the determination by the lower court was improper. See *Kelly v. State*, 404 S.C. 365, 745 S.E.2d 377 (2013) (recognizing that the holding in *Martinez v. Ryan*, ___ U.S. ___, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012) is limited to federal habeas corpus review and is not applicable to state PCR actions). Accordingly, we dismiss the notice of appeal in this matter.

Moreover, we hereby prohibit petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, challenging his convictions from 1988 without first obtaining permission to do so from this Court.


C.J.
FOR THE COURT

Columbia, South Carolina
December 9, 2013

cc:

Joshua Lee Thomas, Esquire

Hebert McDowell, 145167