

NOTICE

THE STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS
APPEAL FROM Richland County Court of Common Pleas
Honorable Daniel Coble, Circuit Court Judge

Appellate Case No. 2025-002450
2025-002450

CASE No.:

RECEIVED

MARION WADE FRYE, Appellant,

APR 21 2026

V.
UNITED STATES et al., Respondents.

SC Court of Appeals

OBJECTION MOTION TO GOVERNOR McMASTERS MOTION TO DISMISS

(1): Petitioner moves the Court Pursuant to Rule 240(d): In Extraordinary Cases the Appellant Court may Relieve the Filing Fee, S.C.R.C.P., Rule 5 (c); Numerous Defendants; Upon motion, ORDER the Service of Pleadings of the Defendants and Replies need Not to Be made as Between the Defendants and any Cross Claim, Counter Claim, or matter Constituting AVOIDANCE; (d): Filing; The Court may Permitt Filing and Proceed as though "the Same had Not been Served", (e): Judge to Permitt the Papers to be Filed With them, S.C.R.C.P., Rule 4 (c); PROCESS; Service by all other Process shall be made by any Person Designated by the Court, S.C.R.C.P., and Rule 41; Court may Stay Proceedings in the Action until the Plaintiff has Complied With the ORDER, S.C.R.C.P.; To order the Transcripts Pursuant to S.C. Code 1976 Ann. § 23-4-10; Legislative Findings; S.C. Code 1976 Ann. § 1-30-10; Department of State Government; S.C. Code 1976 Ann. § 23-4-110; CREATION OF Committee, members and OFFICERS, and Rule 12 (b)(5) IN SUFFICIENCY OF Service of Process, Regarding Obstruction of PROCESS, S.C.R.C.P. Pursuant to S.C. Const. Art. X II, §1: MATTERS OF PUBLIC Concern; General Assembly to Provide Appropriate Agencies; the Health, Welfare, and Safety of the Lives and Property of the State are matters of Public Concern. The General Assembly shall Provide Appropriate Agencies to Function in these Areas of Public Concern and Determine the Activities, Powers, and Duties of Such Agencies, S.C. Const. Art. X II, §2: Institutions For Confinement of Persons Convicted of Crimes; The General Assembly shall establish Institutions for the Confinement of All Persons Convicted of All CRIMES as may be Designated by LAW, and shall Provide for the Certain, Maintenance, Health, Welfare, Education, and Rehabilitation of the Inmate, S.C. Const.

PAGE: ONE (1);

(1); Art. XII, § 9: Control of Convicts; The Penitentiary and the Convicts there to Sentenced Shall Forever be under the Supervision and Control of the Officers employed by the State, S.C. Const. Art. IV, § 1: Chief Magistrate; The Supreme Executive Authority of this State Shall be vested in a Chief Magistrate whom Shall be styled the Governor of the State of South Carolina Pursuant to S.C. Const. Art. IV, § 17: DUTY OF STATE OFFICERS to Give information to Governor; S.C. Const. Art. V III, § 13: Joint administration of Functions and Exercise of Power: (A): ANY County, incorporated municipalities or other Political subdivision may Agree with the State or with any other Political subdivision for the joint administration of any Function and Exercise of Powers, and the Sharing of Cost thereof; and (B): Nothing in this Constitution may be construed to "PROHIBIT" the State or other Political subdivision from agreeing to share "Responsibility" Administration of Functions with any one or more Governments whether within or without this State, and Cost; S.C. Code 1976 Ann. § 1-3-430: ORDERS TO PREVENT DANBER; S.C. Code 1976 Ann. § 1-3-450: Intervention BY Governor in Situations by Violence or Public Disorder; and S.C. Code 1976 Ann. § 1-3-440: Further Powers of Governor Pursuant to S.C. Code 1976 Ann. § 24-1-20: Declaration of Policy; Humane Treatment; S.C. Code 1976 Ann. § 24-1-30: The Functions of the South Carolina Department of Corrections (hereinafter S.C.D.C.) Shall be implemented and carry out the Policy of the State and the Performance of Such Duties and matters as may be Deputed to it Pursuant to Laws S.C. Code 1976 Ann. § 24-1-40: S.C.D.C. Governed BY a Director; S.C. Code 1976 Ann. § 24-1-90: The Director has Authority to make and Promulgate Rules and Regulations necessary for the Proper Performance of S.C.D.C.'s Performance of Functions"; S.C. Code 1976 Ann. § 24-1-110 (A): The Director's Duty to Employ and Discharge Persons Necessary for Effective Conduct of the S.C.D.C. System; and S.C. Code 1976 Ann. § 24-1-130: Director Shall be Vested with the management and Control of Care, treatment, Feeding, Clothing, Etc. Pursuant to the Violation of Petitioner's Rights; S.C. Const. Art. I, § 2: Access to the Courts and Right to Petition the Government and Courts; S.C. Const. Art. I, § 3: Privileges and immunities of Citizens of this State and of the United State Under this Constitution Shall Not be abridged, nor shall any Person be Deprived of Life, Liberty, or Property without Due Process of Law; Nor shall any Person be denied the Equal

(1); Protection of the LAWS, S.C. Const. Art. II, § 10; The Right of Petitioner to be Secure in his Person, and S.C. Const. Art. II, § 15; The Constant Infliction of Cruel and Unusual Punishment Upon Petitioner, For Pursuant to S.C. Const. Art. V, § 20; Such Courts and all other Courts of Record shall have the Same Powers at Chambers to Issue Injunctions as when in Open Court, Petitioner Requests the Court intervene and Issue an injunction that "Petitioner's Life, Safety, health, and wellbeing is in imminent danger" Pursuant to Title 28 U.S.C.A. § 509B; SECTION TO ENFORCE HUMAN RIGHTS LAWS Pursuant to Title 18 U.S.C.A. § 2340 (1); Torture means an Act Committed by a Person acting under Color of law SPECIFICALLY intended to inflict "Severe Physical PAIN", or "Mental PAIN", or "SUFFERING" Upon another Person within its Custody; (2)(c); "The threat of imminent death"; and (2)(d); "The threat of another Person will be imminently subject to 'Death', 'Severe Physical PAIN', or 'Suffering'" Pursuant to Title 18 U.S.C.A. § 241 (d)(A); Torture (d)(b); ~~CRUEL and~~ INHUMANE Treatment, and (d)(c); Preforming Biological Experiment Pursuant to the Human Rights Enforcement Act of 2009, Title 42 U.S.C.A. § 1985; Conspiracy To interfere with Civil Rights (2); OBSTRUCTION OF Justice; intimidating Party, Title 18 U.S.C.A. § 241; Conspiracy Against Rights Title 42 U.S.C.A. § 1981; EQUAL RIGHTS under the Law, Title 18 U.S.C.A. § 1346; MAIL Fraud: For the Purpose of this Chapter the term Scheme or Artifice to Defraud includes a Scheme or Artifice to Deprive another of the Tangible Right to "HONEST SERVICE"; Title 18 § 242; Deprivation of Rights Under the Color of Law, and Violations of Petitioner's Health Insurance Portability and Accountability Act (HIPAA) PRIVACY, Security Breach Notification Rules and Discrimination of Federal Civil Rights Laws Based on Petitioner's Race, Color, Religion and Petitioner's Exercise of Conscience also Pursuant to S.C. Code 1976 Ann. § 23-23-150 (A)(3)(c); Repeated Use of Excessive Force, (A)(3)(e); The Physical and Psychological Abuse of Prisoners (A)(3)(f); The Wilful Failure to intervene ... and (A)(3)(9); The Wilful failure to Promptly Report another Officer while in the Performance of their Official duties Abusing a Person, and Pursuant to Title 5 C.F.R. § 1001.102 in this Action; Pursuant to S.C. Code 1976 Ann. § 40-47-20; (30) MISCONDUCT, (52) Telemedicine, and (54) UNPROFESSIONAL CONDUCT, S.C. Code 1976 Ann. § 40-47-37 (A)(2), (D), and (E), S.C. Code 1976 Ann. § 40-1-70 (4) Pursuant to S.C. Code 1976 Ann.

(1): § 40-1-80 Pursuant to S.C. Code 1976 Ann. § 40-1-40 (D) and S.C. Code 1976 Ann. § 40-18-30(A) Pursuant to title 42 § 2000 cc-2: Judicial Relief, Petitioner Shows the Following to the Court :

(A): Petitioner is Being Denied and Refused by S.C.D.C., STATE-wide Protective Custody Program Pursuant to title 28 C.F.R. § 524.72(c); Broad Publicity of Petitioner's Criminal Activity on the News and Social media and the Broad Casting of Petitioner's Personal and Neural DECODED Data Within S.C.D.C. by State Officials to ensure Petitioner's Safety and Security in a Non-Punitive Status and Pursuant to title 28 C.F.R. § 541.27 (B) and (C) :

(B): ON MARCH 6, 2026 Petitioner was transferred back to the Evans C.I. from the Turbeville C.I. and upon arrival Petitioner immediately expressed Petitioner's Fears and Concerns in the S.C.D.C. General Population, but Petitioner was Denied "After Notice" Protection and Denied to provide S.C.D.C. a Voluntary Statement, that on MARCH 9, 2026, Being Forced Within S.C.D.C.'s General Population and locked within a cell, behind a Secured Door and Denied Protective Custody of Petitioner's Request; Petitioner was Violently Assaulted of State Officials instructing the inmate in the cell to take Possession of Petitioner's Legal mail and Legal Papers and try to get Petitioner to engage in Combat and if Petitioner Hits You Stab Him and We Will Run Your Charges You are Sentenced to Now Concurrent"; Is What the State Official Stated! See S.C.D.C. Grievance No. E.C.I. 0128-26 Pursuant to S.C. Code 1976 Ann. § 23-4-10: Legislative Findings :

(C): Petitioner's Family of Children being threatened as kidnapped and Daughter Shot in the Head :

(D): Petitioner's Father in February of 2023 being Described as kidnapped on the job site and put into the trunk of his "NEW Mustang" and "Burned ALIVE" like the inmate "Michael Sulier" did his Victims, the inmate whom caused Petitioner's First Civil Action Law suit and injuries regarding the OPEN REDUCTION NASAL FRACTURE Surgical Procedure and Petitioner had a keep away order from in the Lexington County Detention Center: See: IN THE STATE OF SOUTH CAROLINA, Richland County, Court of Common Pleas, civil Action No. 2021-CP-40-00331, titled: MARION FRYE V. South Carolina Department of Corrections and, IN The United States District Court of South Carolina, civil Action No. 4:22-cv-03028-RMG-TER, titled: MARION FRYE V. Zachery Ramp, individually;

Appellate Case No. 2025-002450 : OBJECTION Motion To Governor

(I) (D): John Does 1-5, Petitioner arrived Back at the Broad River Correctional Institution in August of 2023 and Nine (9) days later, inmate Michael Suller committed suicide due to being psychologically abused by State officials and S.C.D.C. regarding having caused this lawsuit pursuant to S.C. Code 1976 Ann. § 23-23-150 (a)(3)(c), in the Murray Unit, in retaliation and confirmed by inmates conversing on the described misconduct:

(E): S.C.D.C. State officials are stating they are endeavoring to get Petitioner to commit suicide to keep Petitioner from seeing any body, regarding this action, and in The United States District Court of South Carolina, Civil Action Number: 5:26-cr-00132-JD-KW, filed: MARION WADE FRYE #375354 v. United States et al.

(F): S.C.D.C. Refusing Petitioner's Request for legal envelopes, legal pens, and legal paper, to pay for sufficient amounts to suffice to all Petitioner's multiple civil actions;

(G): S.C.D.C. Sending Petitioner's checks for motions regarding discovery to wrong courts in these actions and the court dismissing Petitioner's actions, and S.C.D.C. neglecting Petitioner the law library and courts rules;

(H): S.C.D.C. Postal employees committing mail fraud of refusing to send Petitioner's legal mail, summons and complaints "certified mail restricted delivery" pursuant to Rule 4(d)(8), only sending Petitioner's legal mail "certified mail", costing Petitioner thousands of dollars in these actions and Defendant's returning mail back to sender avoiding these these actions S.C.R.C.P.

(I): S.C.D.C. enabling Petitioner's property and canteen to be stolen on numerous occasions at multiple S.C.D.C. institutions and hindering Petitioner from purchasing legal supplies

(J): S.C.D.C. Refusing Petitioner first class mail postage and only enabling Petitioner "package postage" at a higher cost rate pursuant to title 18 U.S.C.A. § 1346: MAIL FRAUD;

(K): All courts refusing to enable Petitioner to take oral depositions of witnesses and Defendants in all actions Petitioner has filed;

RELIEF

(2); In the interest of Justice Pursuant to S.C. Const. Art. V, § 26; Courts to issue an injunction Petitioner Request State-wide Protective Custody, to Stop Sending Evoked Potentials of Pain Sensations throughout the ENTIRE Spectrum of Petitioner's Neurological System of the instructed Medical Commands, the Sharing of Petitioner's Medical and Personal Decoded Neural Data, Sending constant Pains when Petitioner is endeavoring to ~~write~~ Write and Litigate Petitioner's Actions and Sleep, and What the Court Finds Just and Proper,

Petitioner's LIFE and SAFETY is in imminent Danger;

Wellbeing and Health ALSO

APRIL 2nd, 2026

Marion Wade Frye
MARION WADE FRYE #375354
610 Hwy. 9 West
Bennettsville, S.C. 29512

DECLARATION OF INMATE

I am an inmate Confined in an institution and Deposited this Motion's Objection Motion To Governor's Motion To Dismiss in the Institutional MAIL SYSTEM. First CLASS Postage Paid by me or by the institution on my behalf, and NOTICE;

Deposited in MAIL: APRIL 4, 2026

Marion W. Frye #375354

DATE: APRIL 4, 2026

I declare under the Penalty of Perjury the Following is true: to include and Not Be limited to No OVER Head Lighting in this cell to Write, Cell MAX-239-A;

CERTIFICATE OF SERVICE

I Certify that this Objection Motion To Governor's Motion to Dismiss and Notice was served addressed as follows, via First CLASS U.S. mail on APRIL 4, 2026: as Below:

OFFICE OF THE Governor
South Carolina State House
Attn: Henry D. Mcmasters
1100 Gervais Street
Columbia, S.C. 29201

cc: Power of Attorney
Attn: Burrell B. Kelly
160 Bear Moss-trail
Lexington, SC 29073

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SC Court of Appeals

APRIL 4, 2026

Marion Wade Frye
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Bennettsville, S.C. 29512

MARION WADE FRYE #375354
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Attn: Chief Justice
P.O. Box 11629
Columbia, S.C. 29211

LEGAL MAIL