

STATE OF SOUTH CAROLINA
COUNTY OF McCORMICK

PHILLIP HENRY CROCKER, III,
Plaintiff,

-vs-

SOUTH CAROLINA DEPARTMENT OF
Defendant.

FILED
IN THE COURT OF COMMON PLEAS
2025 SEP 18 P 12:35

CLERK OF COURT
MCCORMICK COUNTY, SC

RECEIVED

APR 24 2026

SC Court of Appeals

ORDER

Case Number: 2024CP3500013

Heard: September 15, 2025

Plaintiff appeared pro se

Defendant's Attorney: Michael V. Laubshire

Court Reporter: Digital - Shanna Puckett-Anguiano

Two motions appeared on the docket on September 15, 2025: (1) plaintiff's motion for judgment on the pleadings, and (2) defendant's (SCDC's) motion to strike the plaintiff's motion for rehearing. This case had been dismissed by order filed on August 7, 2024, based on the defendant's motion to dismiss filed on March 12, 2024. The ruling is that the prior order dismissing the case is reaffirmed.

WPK #1

When the hearing was held on September 15, 2025, the court was advised that there was an outstanding motion for rehearing filed on August 28, 2024, which the court had interpreted as a Rule 59(e) motion from the prior order of dismissal. No ruling had been made. The plaintiff transmitted that motion by letter dated August 22, 2024, which was filed with the motion on August 28, 2024. The basis for the defendant's present motion to strike is that the Rule 59 motion was not timely. Plaintiff's letter transmitting the motion indicates that he was housed at Perry Correctional Institution in Pelzer, South Carolina. Unless it has been overlooked, there is nothing in the file indicating when the

plaintiff received the order of dismissal. The letter of transmittal states that a certificate of service was enclosed but the court does not see it in the file.

When the court received or learned of the motion for rehearing, a scheduling order was entered on November 5, 2024, notifying the parties that the motion would be decided on written submissions, with the last deadline being December 30, 2024. In that scheduling order, the court noted that no ruling was made on whether the motion to alter or amend (rehearing) had been filed in a timely manner.

Mr. Crocker filed his memorandum in support of the motion on December 3, 2024, along with several exhibits. SCDC did not file a memorandum. SCDC's next filing was the present motion to strike on May 16, 2025. The failure to file a written submission in opposition does not mean that the motion for rehearing must be granted.

WPK
#2
In the interim, Mr. Crocker filed the present motion for judgment on the pleadings. The motion is based on the assertion that SCDC failed to respond to his amended "Claim" which he filed on July 22, 2024, with a certificate of service indicating that it was mailed to SCDC's counsel on July 17, 2024. SCDC's original Answer was filed on March 12, 2024, so the purported amendment was over four months later, which was well beyond the thirty days during which the plaintiff was permitted to amend without leave of the court under Rule 15(a), SCRCPP. The purported Amended Complaint is not proper and could not form the basis for dismissal under the plaintiff's motion for judgment on the pleadings.

Since the court does not know the date when the plaintiff received the order of dismissal, it will presume that the Rule 59(e) motion was filed in a timely manner and

declines to grant SCDC's motion to strike.¹ In his motion to alter or amend (rehearing), the plaintiff claims that the court failed to rule on whether a policy of SCDC is an invalid violation of the constitutional right to due process. He also argued that the court erred in ruling that he failed to exhaust his administrative remedies. He submits documents where he pursued administrative channels, but the only decision from the Administrative Law Court deals with a dispute over assignment of bunks, and the court saw no appeals to the South Carolina Court of Appeals. He challenges the court's decision that dismissal was appropriate under Rule 12(b)(6), SCRCP. He argues that the court misconstrued and misstated his position regarding the absence of his signature and that of his attorney on his sentencing sheet following a jury trial, failing to rule whether a sentence sheet without those signatures is a valid document. Finally, the plaintiff asserts that the court erred in ruling that the Clerk of Court's Manual is not binding.

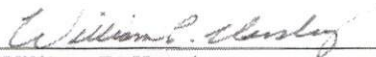
WAC
#3

Having reconsidered the matter and reviewed the detailed order of dismissal, the court finds no basis for altering or amending the order, nor is there any valid basis for rehearing. The gist of the decision is that SCDC is not prohibited from enforcing a sentence entered on a sentencing sheet which does not contain the signatures of the person convicted and his attorney. To the extent that there is any conflict between that position and what the Clerk of Court's Manual provides, the court ruled that in construing conflicts a court should not interpret directives in a way that leads to an absurd result. The court fails to see how there is a violation of the due process clause. The court fails to see how it has misconstrued or misstated the plaintiff's position in any significant way, if at all. The court believes that it has sufficiently addressed the issues raised.

¹ The court is aware that the plaintiff's motion for rehearing cites to Rule 59(a)(2) which is a motion for a new trial.

THEREFORE, IT IS ORDERED that the decision to dismiss this case is reaffirmed. The plaintiff's motion for rehearing is denied. There is no basis for granting relief under either of the motions filed after the entry of the order of dismissal.

AND IT IS SO ORDERED.



William P. Keesley
Circuit Judge

September 18, 2025

#4