

**RECEIVED**

**May 18 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Daniel Coble, Chief Administrative Judge

---

Civil Action No.: 2026-CP-40-00645  
Appeal Number: 2026-000348

---

Ubong Christopher Ubokudom.....Plaintiff/Appellant,

v.

University of South Carolina .....Defendant/Respondent.

---

**RESPONDENT'S INITIAL BRIEF**

---

Ubong Christopher Ubokudom  
[Cubok1@gmail.com](mailto:Cubok1@gmail.com)  
P.O. Box 1594  
Columbia, South Carolina 29202  
*Pro se* APPELLANT

Jacob A. Biltoft  
[jbiltoft@mckayfirm.com](mailto:jbiltoft@mckayfirm.com)  
The McKay Firm, PA  
3700 Forest Drive, Unit 404  
Columbia, South Carolina 29204  
803-256-4645  
803-730-7581 (Fax)  
ATTORNEY FOR RESPONDENT

## TABLE OF CONTENTS

Table of Authorities .....	3
Statement of the Case and Facts .....	4
Standard of Review.....	6
Statement of Issues/Argument .....	7
1.    Did the trial court did not abuse its discretion in denying Appellant’s Motion for Temporary Restraining Order?.....	7
A. The Issue on Appeal is Moot .....	8
B. Appellant Cannot Establish Any Abuse of Discretion.....	9
Conclusion .....	12

**TABLE OF AUTHORITIES**

*City of Columbia v. Pic-A-Flick Video, Inc.*, 340 S.C. 278, 531 S.E.2d 518 (2000).....6,7

*Compton v. SCDC*, 392 S.C. 361, 366, 709 S.E.2d 639, 642 (2011) .....7

*County of Richland v. Simpkins*, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002) .....7

*Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) .....8

*Powell v. Immanuel Baptist Church*, 261 S.C. 219, 199 S.E.2d 60 (1973).....6

Rule 65(b) SCRCP .....6,8

*Zabinski v. Bright Acres Assocs.*, 346 S.C. 580, 601, 553 S.E.2d 110, 121 (2001).....6

*Ubokudom, et al. v. Walmart, Inc.*, 3:25-cv-12608-SAL-PJG, ECF No. 13 (D.S.C. October 15, 2025) .....10

## STATEMENT OF THE CASE AND FACTS

Appellant attempted to enroll in courses at the University of South Carolina for the spring semester of 2025. [Exhibit 1: Affidavit of Registrar Elaine Belesky]. He was accepted and registered for classes. Ex. 1 at ¶4. Appellant had access to the tuition bill for this Spring 2025 semester beginning on December 18, 2024, via the “Self Service Carolina” student portal. [Exhibit 2: Affidavit of Bursar Nicole Pressley]. The deadline for payment of tuition for the Spring 2025 semester was January 28, 2025. Ex. 2 at ¶5. Appellant submitted partial payment via a federal student loan, with the remainder due in full by January 28, 2025. Ex. 2 at ¶¶7-8.

Appellant did not pay tuition by the deadline January 28, 2025. In full compliance with the standard procedure for non-payment of tuition, Appellant was dropped from class rolls. Ex. 2 at ¶10.

A student removed from class rolls due to non-payment of tuition receives no course grades for that semester. Ex. 2 at ¶10. The tuition, academic fees, and financial aid were thus removed from his account, and his partial loan payment was returned to the lender. Ex. 2 at ¶10. Appellant also incurred a debt to the University for the housing and meal plan utilized by Appellant prior to removal for non-payment, inclusive of an additional late payment fee. Ex. 2 at ¶11.

Due to the outstanding debt, the University placed a hold on the dispersal of any records of Appellant, if any, pursuant to standard procedure. Ex. 2 at ¶12.

A prospective student remains enrolled only after payment of tuition for that semester, so when a student fails to pay tuition, the student will not receive any grade entered for the registered classes that semester. Ex. 1 at ¶5. Appellant was dropped from class rolls since he did not fully pay tuition. Appellant therefore received no grades for his only semester registered at the University. Ex. 1 at ¶7.

On or about January 12, 2026, Appellant agreed to a structured repayment schedule with the University; pursuant to which Appellant agreed to pay half of the outstanding balance immediately and to pay the remainder in six monthly installments. Ex. 2 at ¶13. Immediately upon payment of the first half of the debt on or about January 12, 2026, the University lifted the hold on his account. Ex. 2 at ¶13.

In January of 2026, Appellant requested an official transcript from the University for his prospective law school applications with the Law School Admissions Council (herein “LSAC”). Ex. 1 at ¶8. Upon receipt of this request, the Registrar office discovered the aforementioned hold placed on any release of records due to non-payment of his outstanding room and board bill. Ex. 1 at ¶8. The University eventually accepted a partial payment of the debt and removed the hold, with the Registrar’s office then discovering that Appellant had no transcript for any coursework at the University of South Carolina due to non-payment of tuition for his only semester registered. Ex. 1 at ¶9.

Upon Appellant’s continued requests to send documentation to LSAC after lifting the hold on his account, the University submitted a timely communication to LSAC correctly informing them that Appellant was not enrolled and has no record of graded coursework for his sole semester registered at USC. Ex. 1 at ¶10 and Attachment 3. Though Appellant had transfer credits from another institution, Appellant still never fully enrolled and had no graded coursework at USC.

At the onset of the Circuit Court litigation, Plaintiff filed a Motion for Temporary Restraining Order and Preliminary Injunction [Exhibit C], a Motion to Expedite Consideration of the requests for injunctive relief [Exhibit D], and a subsequent “Request for Status Conference Regarding Pending Emergency Motion for TRO,” again seeking an expedited ruling [Exhibit E].

The Circuit Court scheduled a hearing on the Motion for Preliminary Injunction for May 4, 2026, and issued an Order on February 13, 2026 denying Appellant’s Motion for a Temporary Restraining Order, stating that it will not expeditiously issue an emergency TRO without full notice and a hearing “unless it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result.” [Exhibit F- Order]. The Court also declined to move the scheduled hearing on the Motion for Preliminary Injunction to an earlier date, again because the Circuit Court found that Plaintiff did not make a sufficient showing of irreparable harm or extraordinary emergency circumstances.

For the foregoing reasons, Appellant fails to show any abuse of discretion on part of the Circuit Court, and this appeal must therefore be dismissed.

#### **STANDARD OF REVIEW**

The decision to grant temporary injunctive relief is within the sound discretion of the trial court and cannot be overturned absent an abuse of that discretion. *City of Columbia v. Pic-A-Flick Video, Inc.*, 340 S.C. 278, 531 S.E.2d 518 (2000). An abuse of discretion occurs only where the trial court is controlled by an error of law or where the trial court's order is based on factual conclusions without evidentiary support. *Id.*

The sole purpose of a temporary injunction is to preserve the status quo and thus avoid irreparable harm to the moving party. *Powell v. Immanuel Baptist Church*, 261 S.C. 219, 199 S.E.2d 60 (1973). See also *Zabinski v. Bright Acres Assocs.*, 346 S.C. 580, 601, 553 S.E.2d 110, 121 (2001). No temporary restraining order shall be granted without notice of motion for the order to the adverse party unless it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served **and a hearing had thereon**. Rule 65(b) SCRCP (emphasis added).

A plaintiff's entitlement to preliminary injunctive relief requires the complaint to allege facts sufficient to constitute a cause of action for injunction while also showing an injunction must be reasonably necessary to protect the legal rights of the plaintiff pending in the litigation. *County of Richland v. Simpkins*, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002). To obtain an injunction, a party must demonstrate (1) irreparable harm, (2) a likelihood of success on the merits, and (3) an inadequate remedy at law. *Id.* Whether to grant a preliminary injunction is left to the sound discretion of the trial court and will not be overturned unless it is clearly erroneous. *Compton v. SCDC*, 392 S.C. 361, 366, 709 S.E.2d 639, 642 (2011).

### **STATEMENT OF ISSUES**

**i. Did the trial court did not abuse its discretion in denying Appellant's Motion for Temporary Restraining Order?**

Appellant fails to establish any abuse of discretion because he has not established entitlement to any injunctive relief. An abuse of discretion occurs only where the trial court is controlled by an error of law or where the trial court's order is based on factual conclusions without evidentiary support. *Pic-A-Flick Video, Inc.*, 340 S.C. at 282.

Appellant's Initial Brief attempts to also argue a series of other issues, as he appears to be seeking a major overarching ruling on the merits of the entire Circuit Court action, made apparent in his Statement of Issues listing additional items such as disputes over allegedly deficient Request for Admission responses, alleged breach of duty on part of Defendant/Respondent, seeking a refund on payment of his previously-owed housing debt, and an argument over promissory estoppel. See Appellant's Initial Brief at 7. These issues are not before this Court, as this is an appeal of the single three-sentence Order denying a TRO and declining to expedite the hearing on the Motion for Preliminary Injunction.

For the reasons set forth below, this Appeal must be dismissed.

### **A. The issue on appeal is moot**

This Appeal must be dismissed because the issue is moot and no effectual relief can be granted. As mentioned above, this Appeal arises from the denial of a Motion for an Emergency Temporary Restraining Order. The moving party has the burden of showing immediate irreparable harm and that the harm or damage will occur before the Court and parties can have a full hearing and notice period on the matter. Rule 65(b) SCRPC. By rule, Temporary Restraining Orders serve as a short emergency stopgap until all parties and the Court have enough time to have a full hearing on the accompanying Motion for Injunctive Relief. *Id.* When the preliminary injunction motion is heard, “the party who obtained the temporary restraining order shall proceed with the application for a temporary injunction and, if he does not do so, the court shall dissolve the temporary restraining order.” *Id.*

An appellate court will not pass judgment on moot and academic questions; it will not adjudicate a matter when no actual controversy capable of specific relief exists. *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy. *Id.* Mootness also arises when some event occurs making it impossible for the reviewing court to grant effectual relief. *Id.*

Here, the Order on appeal is a denial of the Temporary Restraining Order, with the Order also confirming that the Motion for Preliminary Injunction will take place on May 4, 2026. The Court heard that Motion on May 4, 2026, as scheduled and denied any injunctive relief. [Exhibit F: May 8, 2026 Order]. The Circuit Court again found that Appellant did not establish entitlement to injunctive relief following a full hearing on the issue. Thus, any TRO issued previously would then be dissolved by rule. Any attempt to overturn the initial denial Order or the denial of any request to expedite is therefore rendered moot and ineffectual and must be dismissed.

### **B. Appellant cannot establish any abuse of discretion**

Plaintiff does not and cannot establish any abuse of discretion, as he has failed to show that the ruling on appeal was controlled by an error of law or was based on factual conclusions without evidentiary support. Though he has had multiple attempts across both the Circuit Court litigation and the prior Court of Appeals briefing on the Petition for Writ of Mandamus and Injunctive Relief, Appellant has continually fallen short of showing grounds for injunctive relief. This Court has even previously agreed with Respondent and ruled that Appellant is not entitled to injunctive relief. See Order Denying Petition for Writ of Mandamus and Injunctive Relief.

Here, Appellant did not pay tuition by the set deadline. Ex. 2 at ¶9. As a result, he never completed or perfected his enrollment and his registration for that semester was terminated. Ex. 1 at ¶7 and Attachment 1; Ex. 2 at ¶10. To the extent Appellant argues that he is entitled to course grades showing withdrawal from his registered courses marked by an entered grade of “W,” Appellant is not entitled to “W” grades, or any graded coursework due to nonpayment. When a student is enrolled following payment of tuition, the student will receive a grade of “W” if the student affirmatively withdraws themselves from the course via the student portal during the designated time period. Ex. 1 at ¶6.

As set forth above, Appellant has no transcript for University of South Carolina coursework, and is not entitled to one. Further, Respondent has already sent a communication to LSAC accurately informing them that Appellant has no transcript or graded coursework at USC for the sole semester he registered. Ex. 1 at ¶10, and Attachment 3. Granting the relief Appellant seeks would result in Appellant receiving a semester of graded coursework for which he did not pay tuition.

Appellant has plainly failed to establish any irreparable harm or any likelihood of success on the merits. Despite his contentions that allegedly missing this one cycle of law school applications constitutes irreparable harm, this is plainly insufficient to warrant the extraordinary remedies of injunctive relief or mandamus and is fundamentally not irreparable. Plaintiff is free to remove the Respondent from his LSAC account and apply before the alleged upcoming deadlines, or wait one single application cycle and apply for the institutions for which he allegedly missed deadlines. Appellant fails to set forth entitlement to the relief requested.

Appellant also frequently cites his minor child's pending action to try and establish the alleged irreparable harm and the emergent nature of his filings. He references a federal civil action filed on behalf of his daughter, appearing to assert that he seeks this relief from Respondent so that he may represent his daughter and protect her rights in the litigation.

The federal litigation, filed *pro se* by Appellant on behalf of himself and his minor daughter, is wholly irrelevant to the present action or this Respondent. The federal action referenced, bearing the number 3:25-cv-12608-SAL-PJG in the South Carolina District Court, was filed on September 17, 2025, among a multitude of other *pro se* actions filed by Plaintiff over the course of 2025 appearing on the federal court PACER dockets. In the case mentioned by Appellant, he received an Order from the Hon. Magistrate Judge stating that Appellant could represent himself, but he could not represent his daughter in the action, and he had 30 days to secure counsel for his daughter or face dismissal. 3:25-cv-12608-SAL-PJG, ECF No. 13 (October 15, 2025).

Appellant appears to believe that, by applying to law schools in this current round of applications, he will be able somehow be permitted to appear as counsel for his daughter in that case regardless of its current pendency, regardless of any applicable statute of limitations, and regardless of the typical law school timeline taking three years (not including time for application

turnaround, acceptance, and bar exam prep and results). This reference to the daughter's litigation, despite Appellant's insistence, has no bearing on any duty owed by Respondent or any right that Appellant has standing to assert.

In his Brief, Appellant leans very heavily on the assertions that there was some procedural defect in the Respondent's Responses to his Requests to Admission. Appellant served these Requests on March 5, 2026, and Respondent served full Responses on April 2, 2026; clearly within the 30-day period prescribed by Rule 36 SCRCP. [Exhibit G: Request for Admission Responses]; [Exhibit H: Certificate of Service for Plt's RFA]. Defendant's answers were fully responsive, timely, and procedurally sound, with the Circuit Court agreeing so in its May 8, 2026 Order.

Appellant has continually and unsuccessfully argued that the Responses were insufficient under Rule 36 because they are not verified or sworn by a representative/designee of Respondent, and that Respondent has essentially admitted liability. However, a sworn verification is plainly not required for Responses to Requests for Admission.

Appellant now states in his Initial Brief that the Circuit Court failed to consider the alleged admissions by Respondent stemming from alleged "total failure to answer Requests for Admission" resulting in "deemed admissions." Appellant's Initial Brief at 7. Appellant asserts multiple times in his Brief that Respondent failed to answer his Requests for Admission. This is blatantly untrue. Appellant has not shown that the Circuit Court should have relied on allegedly admitted matters in his Requests for Admission, or that Respondent's timely, full Responses were insufficient, untimely, or (as he now suddenly alleges multiple times) non-existent. Further, all discovery in this matter, including the Requests for Admission, was conducted well after the Order being appealed here, and was not a factor whatsoever in the Court's ruling.

Appellant has not identified any error of law or shown that any factual finding by the Circuit Court lacked evidentiary support. Thus, he has failed to establish any abuse of discretion by the Circuit Court.

**CONCLUSION**

For the reasons set forth above, this Appeal must be dismissed.

Respectfully submitted,

*/s/Jacob A. Biltoft*  
\_\_\_\_\_  
Jacob A. Biltoft (S.C. Bar No. 105349)  
The McKay Firm, PA  
3700 Forest Drive, Suite 404  
P.O. Drawer 7217  
Columbia, SC 29202  
(803) 256-4645  
[jbiltoft@mckayfirm.com](mailto:jbiltoft@mckayfirm.com)  
*Attorney for Respondent*

Columbia, South Carolina  
May 18, 2026

**RECEIVED**

**May 18 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Daniel Coble, Chief Administrative Judge

---

Civil Action No.: 2026-CP-40-00645  
Appeal Number: 2026-000348

---

Ubong Christopher Ubokudom.....Plaintiff/Appellant,

v.

University of South Carolina .....Defendant/Respondent.

---

**CERTIFICATE OF SERVICE**

---

The undersigned hereby certifies that on **May 18, 2026**, a copy of the foregoing ***Respondent's Initial Brief*** was duly served upon the Appellant concurrently via email and Certified Mail to:

Ubong Christopher Ubokudom  
P.O. Box 1594  
Columbia, South Carolina 29202

*s/Jacob A. Biltoft*  
Jacob A. Biltoft  
The McKay Firm, PA