

The South Carolina Court of Appeals

Torgues Mingo, Appellant,

v.

Flats at Haywood, Respondent.

Appellate Case No. 2025-002298

ORDER

On March 18, 2026, Respondent filed a petition for a writ of mandamus, requesting this court direct the magistrate to execute a writ of ejectment. On April 16, 2026, Appellant filed a return, opposing the request. On April 24, 2026, Respondent filed a supplemental pleading to its petition for a writ of mandamus, which we construe as a reply to the return.

After careful consideration, we deny Respondent's petition for a writ of mandamus. *See Wilson v. Preston*, 378 S.C. 348, 354, 662 S.E.2d 580, 582 (2008) ("The primary purpose of a writ of mandamus is to enforce an established right and to enforce a corresponding imperative duty created or imposed by law."); *id.* at 354, 662 S.E.2d at 583 ("To obtain a writ of mandamus requiring the performance of an act, the petitioner must show: (1) a duty of respondent to perform the act; (2) the ministerial nature of the act; (3) the petitioner's specific legal right for which discharge of the duty is necessary; and (4) a lack of any other legal remedy."); *id.* ("Mandamus is based on the theory that an officer charged with a purely ministerial duty can be compelled to perform that duty in case of refusal."); *id.* ("The duty is ministerial when . . . it is defined by law with such precision as to leave nothing to the exercise of discretion."); *id.* ("In contrast, a quasi-judicial duty requires the exercise of reason in the adaptation of means to an end, and discretion in determining how or whether the act shall be done or the course pursued."); *City of Rock Hill v. Thompson*, 349 S.C. 197, 200, 563 S.E.2d 101, 103 (2002) ("Issuance of a particular decision by a judge is typically a matter of discretion and, therefore, not proper for mandamus."); *Strickland v. Richland Co. Legis. Delegation*, 440 S.C. 438, 446, 892 S.E.2d 288, 292 (2023) (explaining that

"[w]hen the legal right is doubtful, or the performance of duty rests in discretion, or when there is another adequate remedy,' a court must not issue a writ of mandamus" (quoting *City of Rock Hill*, 349 S.C. at 199-200, 563 S.E.2d at 102)).

However, we clarify Appellant has not sought a stay of the circuit court's order, which is the subject of this appeal, from this court or the circuit court. Further, neither this court nor the circuit court has entered an order staying the circuit court's order. Thus, the circuit court's order is not stayed pending the appeal.


FOR THE COURT

J.

Columbia, South Carolina

FILED
May 21 2026

cc:

Torgues Mingo

David Andrew Turman, Esquire