

The Supreme Court of South Carolina

The Palmetto Bank, Respondent,

v.

Walter T. Cardwell, Jr., Coach Hills Homeowner's
Association, Inc., United States of America, Defendants,

Of whom Walter T. Cardwell, Jr., is Petitioner.

Appellate Case No. 2012-213407

Lower Court Case No. 2010CP2304560

ORDER

This is a mortgage foreclosure case. After the South Carolina Court of Appeals affirmed the judgment of the circuit court directing the property to be sold, petitioner sought a writ of certiorari from this Court to review the decision of the Court of Appeals. This Court denied the petition for a writ of certiorari by order dated October 18, 2013. The remittitur was sent to the circuit court on October 28, 2013.¹

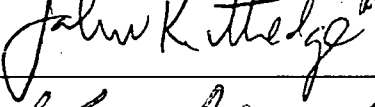
Petitioner now asks this Court to stay this matter or grant a temporary restraining while he seeks review from the Supreme Court of the United States. He indicates that the sale of the property is take place on January 6, 2014.²

¹ Before the Court of Appeals, the Appellate Case Number was 2012-213407.

² In his petition, petitioner invites this Court to consider a password protected website. This Court has not and will not consider this website in ruling on this motion. If there are other documents or other matters that are relevant to this request, they should have been filed with the motion.

Under Rule 23.3 of the Rules of the Supreme Court of the United States, a request for a stay must first be made to this Court. To obtain a stay under this Rule 23, petitioner must show that there is "a reasonable probability that four Members of the [United States Supreme] Court will consider the issue sufficiently meritorious to grant certiorari or to note probable jurisdiction." *Graves v. Barnes*, 405 U.S. 1201, 1203, 92 S.Ct. 752, 753-754, 30 L.E.2d 769, 772 (1972) (J. Powell, Circuit Justice).

We find that petitioner has failed to make a sufficient showing. Accordingly, the petition for a stay and restraining order is denied.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina
December 27, 2013

cc: Michael Kevin McCarrell, Esquire
F. Marion Hughes, Esquire
William Norman Nettles, Esquire
Mr. Walter T. Cardwell, Jr.
The Honorable Paul B. Wickensimer
The Honorable Jenny Kitchings

Additionally, petitioner indicates that Chief Justice Toal has a conflict of interest in this matter. This is apparently based on the fact that the Chief Justice signed the order denying the petition for a writ of certiorari, and because she is seeking reelection as Chief Justice. All of the members of this Court voted to deny the petition for a writ of certiorari in this matter, and consistent with our longstanding practice, the order denying the petition was signed by the Chief Justice on behalf of the Court. There is simply no reason for the Chief Justice to recuse herself in this matter.