

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Scottie Gordon,

Appellant,

v.

Anan Hussein,

Respondent.

) Appellate Case No. 2023-000564
)
) Appeal From Orangeburg County
) Hon. Heath P. Taylor, Circuit Judge
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RECEIVED

JUN 25 2026

SC Court of Appeals

APPELLANT'S PETITION FOR REHEARING
PURSUANT TO RULE 221, SCACR

TO: THE CLERK OF THE SOUTH CAROLINA COURT OF APPEALS AND THE HONORABLE
JUDGES OF THE COURT OF APPEALS:

The Appellant, Scottie Gordon, proceeding pro se, respectfully petitions this Honorable Court pursuant to Rule 221 of the South Carolina Appellate Court Rules (SCACR) for a rehearing of the Court's unpublished opinion filed on June 10, 2026, affirming the Circuit Court's order.

In support of this Petition, Appellant respectfully shows that this Court misapprehended or overlooked critical points of law and material facts within the record, which demonstrates that Appellant's constitutional due process rights were fundamentally violated.

POINTS SUPPOSED TO HAVE BEEN OVERLOOKED OR MISAPPREHENDED

I. THE COURT MISAPPREHENDED THE RECORD REGARDING THE SUFFICIENCY OF THE MAGISTRATE'S RETURN CONCERNING THE DUE PROCESS VIOLATION AND THE LACK OF LEGAL NOTICE FOR THE TAX SALE.

II. THE COURT ERRED IN APPLYING RULE 210, SCACR, TO PROCEDURALLY BAR APPELLANT'S SUBSTANTIVE DUE PROCESS ARGUMENTS WHEN THE LACK OF JURISDICTION AND PROPER SERVICE WAS MANIFEST ON THE FACE OF THE MAGISTRATE COURT PROCEEDINGS.

ARGUMENT

I. THE COURT MISAPPREHENDED THE RECORD REGARDING THE SUFFICIENCY OF THE MAGISTRATE'S RETURN CONCERNING THE DUE PROCESS VIOLATION.

This Court affirmed the lower court's decision under Rule 210, SCACR, holding that Appellant failed to provide a record sufficiently complete for appellate review. However, Appellant respectfully submits that the existing record contains uncontroverted proof that Appellant was never served with due process or proper legal notice prior to the underlying tax sale of his primary residence.

The record before the court contains the express transcript of proceedings wherein Appellant detailed that he was a continuous resident of 569 Butler Drive for ten (10) years and paid property taxes on the property. The magistrate court lacked jurisdiction to issue a writ of ejectment when the underlying claim relies on a tax deed issued without constitutional due process notice to the occupant. The Court overlooked that the minimum record presented was sufficient to address whether a jurisdictional defect occurred at the magistrate level, which cannot be waived or procedurally defaulted under South Carolina law.

II. THE COURT ERRED IN DETERMINING THAT THE RECORD WAS INSUFFICIENT TO AGREE THAT JURISDICTIONAL DEFECTS PREVENTED A FAIR MERITS HEARING.

Appellant is a pro se litigant who suffered a stroke in 2015, resulting in significant cognitive impairments. Appellant argued that his due process rights were denied because the magistrate court refused to accept essential title evidence, and his court-appointed legal counsel abruptly abandoned his representation the evening prior to the trial.

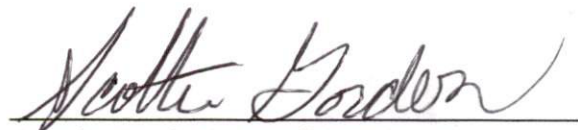
By applying a strict procedural bar under Rule 210, SCACR, to affirm an eviction where the tenant has a colorable, documented property claim (including extensive permanent improvements made under municipal building permits), this Court has inadvertently authorized an act of extreme inequity. The record was sufficient to establish that Appellant was denied a meaningful opportunity to be heard. Substantial justice requires this Court to look to the core jurisdictional and constitutional errors that are discernible within the context of the magistrate's return.

CONCLUSION

For the foregoing reasons, Appellant Scottie Gordon respectfully requests that this Honorable Court grant his Petition for Rehearing, vacate its unpublished opinion filed on June 10, 2026, and remand this matter for a full consideration of the structural constitutional defects regarding notice, venue, and jurisdiction.

Respectfully submitted,

Dated: June 24, 2026



Scottie Gordon, Appellant Pro Se
569 Butler Drive
Livingston, SC 29107

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Scottie Gordon,

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) Appellate Case No. 2023-000564

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EXHIBIT A

SOUTH CAROLINA COURT OF APPEALS UNPUBLISHED OPINION
NO. 2026-UP-281 (FILED JUNE 10, 2026)



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
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June 10, 2026

Scottie Gordon
569 Butler Drive
Livingston SC 29107

Mr. Michael C. Tanner, Esquire
PO Box 1061
Bamberg SC 29003

Re: Scottie Gordon v. Anan Hussein
Appellate Case No. 2023-000564

Dear Mr. Gordon and Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

cc: The Honorable Heath P. Taylor

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Scottie Gordon, Appellant,

v.

Anan Hussein, Respondent.

Appellate Case No. 2023-000564

Appeal From Orangeburg County
Heath P. Taylor, Circuit Court Judge

Unpublished Opinion No. 2026-UP-281
Submitted May 1, 2026 – Filed June 10, 2026

AFFIRMED

Scottie Gordon, of Livingston, pro se.

Michael C. Tanner, of Michael C. Tanner, LLC, of
Bamberg, for Respondent.

PER CURIAM: Scottie Gordon appeals the circuit court's order which affirmed the magistrate court's grant of a writ of ejectment to Anan Hussein in Hussein's notice to quit against David New and Gordon concerning real property in Livingston, South Carolina (the Property). On appeal, Gordon argues the circuit court and magistrate court erred in (1) failing to recognize his due process rights because he did not receive notice before his property was sold at a tax sale; (2)

denying his rights to counsel and equal protections of the law; (3) denying his rights to present evidence and to be heard; (4) denying his request to transfer the case to the proper venue; (5) and utilizing acts of tyranny to deprive him of his rights to life, liberty, and property. We affirm pursuant to Rule 220(b), SCACR.

We hold Gordon has failed to meet his burden to provide a record which is sufficiently complete for appellate review; therefore, we affirm the circuit court's order. *See* Rule 210, SCACR ("[T]he appellate court will not consider any fact which does not appear in the Record on Appeal."); *State v. Brown*, 358 S.C. 382, 387, 596 S.E.2d 39, 41 (2004) ("[I]t is error for [an appellate court] to consider facts not included in the magistrate's return."); *Doe by Doe v. Greenville Hosp. Sys.*, 323 S.C. 33, 38 n.2, 448 S.E.2d 564, 567 n.2 (Ct. App. 1994) ("The burden is on [the] appellant to furnish an adequate record on appeal from which this court can make an intelligent review."); *State v. Hutto*, 279 S.C. 131, 132, 303 S.E.2d 90, 91 (1983) (affirming the trial court's judgment because the appellant failed to present a record "sufficiently complete" to permit appellate review).

AFFIRMED.¹

GEATHERS, HEWITT, and CURTIS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Scottie Gordon,
Appellant,

v.

Anan Hussein,
Respondent.

) Appellate Case No. 2023-000564

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) CERTIFICATE OF SERVICE

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I, Scottie Gordon, certify that on this 25th day of June, 2026, I served a true and exact copy of the foregoing Appellant's Petition for Rehearing upon the Respondent's attorney of record by placing the same in the United States Mail, first-class postage prepaid, addressed as follows:

Michael C. Tanner, Esq.
Michael C. Tanner, LLC
P.O. Box 1061
Bamberg, SC 29003

By:



Scottie Gordon, Appellant Pro Se
569 Butler Drive
Livingston, SC 29107

Date: June 24, 2026

TO: Clerk of Court South Carolina Court of Appeals 1220 Senate Street Columbia, SC 29201

RE: *Scottie Gordon v. Anan Hussein*, Appellate Case No. 2023-000564

Dear Clerk of Court,

Enclosed please find for filing an Original and three (3) copies of Appellant's Petition for Rehearing, along with the attached Certificate of Service and a copy of the Court's June 10, 2026 opinion.

Please file-stamp the extra copy of the first page enclosed in this packet and return it to me in the provided self-addressed, stamped envelope.

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script, reading "Scottie Gordon", written over a horizontal line.

Scottie Gordon, Appellant Pro Se

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SC Court of Appeals