

# The South Carolina Court of Appeals

Basil W. Akbar, Appellant,

v.

South Carolina Department of Corrections, Respondent.

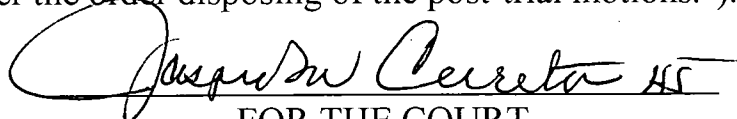
Appellate Case No. 2013-002306

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## ORDER

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Respondent has filed a motion to dismiss this appeal. Because Appellant's Rule 59(e), SCRCP, motion is still pending in the circuit court, Respondent's motion is granted, and this appeal is dismissed without prejudice. *See Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) ("[I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, the appellant shall notify the Clerk of . . . Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice. Any party can appeal within ten (10) days after the order disposing of the post-trial motions.").

  
FOR THE COURT

Columbia, South Carolina

cc:

Basil W. Akbar, 065498

Erin Farrell Farthing, Esquire

Daniel R Settana, Jr., Esquire

Brandon Paul Jones, Esquire

FILED  
1/2/14