



The South Carolina Court of Appeals

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January 06, 2014

Mr. Daniel R Settana, Jr.
PO Box 7217
Columbia SC 29202

Re: Basil Akbar v. SCDC
Appellate Case No. 2013-002306

Dear Counsel:

Please see the attached order regarding the motion to dismiss. All parties are advised that the remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Basil W. Akbar, 065498
Brandon Paul Jones, Esquire

The South Carolina Court of Appeals

Basil W. Akbar, Appellant,

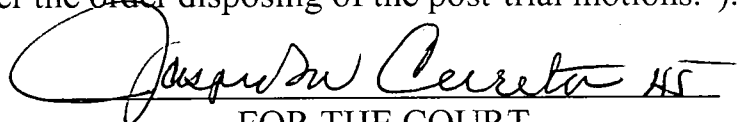
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-002306

ORDER

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
12/14