

The South Carolina Court of Appeals

Josh Jeter, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-001400

ORDER

On August 14, 2013, Appellant's appeal was dismissed by this court for failure to provide the notice of appeal filing fee, a copy of the order being challenged on appeal, and proof of service of the notice of appeal as required by Rule 203 of the South Carolina Appellate Court Rules. On September 3, 2013, Appellant filed a motion to reinstate his appeal, and he provided proof he timely served Respondent, a copy of the order being challenged on appeal, and a motion to proceed in forma pauperis. However, Appellant did not provide proof of timely service of the notice of appeal on the Administrative Law Court (ALC). On October 30, 2013, this court granted Appellant ten days to provide proof of timely service of the ALC and explained that we would consider his motion to reinstate upon receipt of proof of timely service or the expiration of ten days. On December 18, 2013, Appellant submitted a certificate of service, indicating the notice of appeal was not timely served on the ALC.

We construe Appellant's motion to reinstate as a petition to rehear this court's dismissal of this appeal. Because Appellant has failed to show he timely served the ALC as required by Rule 203(b)(6) of the South Carolina Appellate Court Rules, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied. *See* Rule 203(b)(6), SCACR (providing that a notice of appeal from a decision of the ALC shall be served on all parties and the ALC within thirty days after receipt of the decision); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 227 may be extended . . ."); *Mears v. Mears*, 287 S.C. 168,

169, 337 S.E.2d 206, 207 (1985) (explaining the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice of intent to appeal must be served).

Thomas E. Luff J.

John D. Jeter J.

James E. Eckert J.

Columbia, South Carolina

cc: Josh Jeter
Christopher D. Florian

FILED
1/9/14