

State of South Carolina
Administrative Law Court Appeals

Docket No. 13-AL-15-0635-14

Emmanuel McFadden
appellant, 1

vs

South Carolina Department
Parole and Pardon Service
Respondent

Motion to Vacate or set
aside, Order of Dismissal
and under Rule 60, 67.

On, date 12/5/13, a Order of Dismissal, was sent to appellant, +t stated; This matter is before the administrative Law Court ("ALC") Pursuant to the appeal of the above named appellant, inmate incarcerated with the South Carolina Department of Corrections. This appeal of a Parole denial was assigned to me, on August 15, 2013, Pursuant to ALC Rule 604). The Respondent stated the appellant was required to file an Original brief with respect to this appeal. Within sixty-five days after the date of assignment.

The issue of 65 days, is on the Respondent, for fail to turnover the full discovery, in this case. The key part of the Parole Records, was not release to appellant in order to Reply to Original brief with respect to this appeal. This Order of Dismissal, should be set aside for a full discovery.

The appellant, hereby Man this Honorable Court to Re-consideration of this Order to dismissal base upon a Number of error in reference to the above Name and Case Numbers, a Motion was Made to Respondent, for a full discovery, that Motion was not grant, to appellant, and that, decision Cause a delay, also the institutional Record will show a Number of delay, they not have access to have library, The Court fail to address issue, of access to look down, issue, 10/1/13, 10/2/13, 10/5/13, 10/12/13, 10/25/13, and 10/27/13, 10/28/13, 10/31/13.

The appellant Made Objections to the Rule Violation, to the Rule Violation base upon the Respondent fail to Comply to Rule of discovery Rule 19, and my first Request for Production of the documents the Respondent has failed to Complete this Motion, The appellant, ask the Respondent, for all the Number of the Parole board, and should received the information, on each board Member Vote, on yes or No Vote.

Pursuant to S.C.R.C.P. 60(B), 5 U.S.C.A § 552, Freedom of Information Act, § 552(A). Government agencies shall Make available information to the Public, (2)(D). Each agency shall Make available Copies of Records, regardless of form or format available for Public inspection. Article 1d(1) shall Make available upon Request access to his records or to any information pertaining to him which is contained in the system, also (2). Permit the individual to Request amendment to a Records pertaining to him; and (2)(A). Provide the individual information not later than ten working days after the date of receipt of such Request, acknowledge in writing such Receipt;

also, the Respondent, (file 2) (13)(i) makes any Correctional of any Portion thereof which the individual believes is not accurate, to, yes and no, yes, no, yes, no, relevant, timely, or Complete,

It is also a Violation of his Constitutional Right of Due Process of Law, XIV §. Art 1 §. 40 Right to Equal Protection and Due Process, and S.C. Const Declaration of Right Art 1 §. 15, Excessive, Cruel, and Unusual Punishment by changing their advancement to a level 1 institutions and a reduction in his security levels, and should have being concern by the Respondent, and any Reduction of his Parole, the Institution Records give him a good Conduct and a Positive Institutional Records, also the issues of the 6 days, were Violation by the institution, by the delay, of seize of appellant Personal Property of Legal Paper related concern this Case, see, Exhibit, (1), due to the oversight of the clerical error, South Carolina Department Correctional fail to return the file, and Respondent fail to give a full discovery, give a impression, of two agencies working in concert, against the appellant, Base in part of South Carolina Rule of Civil Procedure, Rule 60(a)(4)(1) authorizing relief from the judgment, if judgment has been satisfied, and has not been deemed equitable closed up on the completion of discovery. see; *Wallerkey v. Wallerkey*, 397 S.C. 182, 723 S.E. 2d 249 (SC app. 2012), Pursuant also in part of South Carolina Rules of Civil Procedure Rule 55 (c). For "good cause" shown, the Court may set aside judgment in accordance with Rule 60(B).

Conclusion

The appellant Respectfully Requests this Honorable Court to Reconsideration this Order to dismissal based on a number of error, to grant this Motion for relief, May set aside Judgment in accordance with Rule 60(B), The Record clear show Prejudice, by withhold file, and delay of time upon this Institutional Record Pursuant to South Carolina Code of Law 1976'15-35-90, a Judgment may be granted in this Particular Case,

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COURT OF APPEALS

The State of South Carolina

Administrative Law Court

The Honorable John D McLeod

Doct. No; 13-ALT-15-0035-AP

Emmanuel McFadden ----- appellant,

South Carolina, Department of Probation Pardon
and Parole Service ----- Respondent,

Certificate of Service

I, am Emmanuel McFadden, #124011
Certify that a copy of Motion, to Vacate or set aside, Order
of Dismissal, and under Rule 60, 67, Clerical error and
Mistake that have been Overlooked, by the Court and Respond-
ents, this ___ day of Dec 2013, by U.S. Mail postage pre-
Paid address to follow:

To: Johnny Evan Jr
attorney for Respondent
2221 Diverse Street, Suit 100
P.O. Box 50666
Columbia SC 29250,

To: Clerk of Court.
Administrative Court
1205 Pendleton Street
Columbia, SC 29201

Emmanuel McFadden
Pre, Sc #124011

SWORN to and subscribed before me this
16th day of Dec, 2013.
Carol Ann (L.S.)
Notary Public for South Carolina

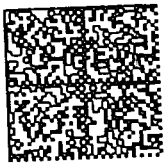
My Commission Expires: 4-27-2016

3 Hammond Middle 135011
701 Paul Lane B-154
P.O. Box 252
Tomball, TX 29162

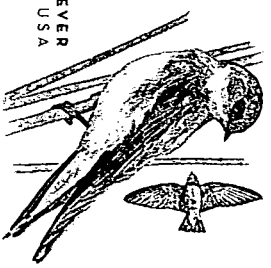
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SC Court of Appeals



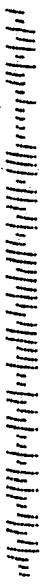
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FOR ITS CONTENTS.

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