

The South Carolina Court of Appeals

Gregory Pencille, #312332, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2026-001052

ORDER

On April 28, 2026, Appellant filed a notice of appeal from an April 2, 2026 order of dismissal. Appellant filed a "motion for leave to supplement the record on appeal," a "motion to request Respondent to reproduce documents contained in record on appeal," and a "motion to compel Respondent to respond to request to supplement record on appeal." The record on appeal has not been filed in the case; therefore, we deny Appellant's motions as premature. For the sake of judicial economy, this court notes any request to include documents in the record on appeal that were not before the lower court—including documents dated the same day as the order on appeal and documents that post-date the order—shall not be included in the record on appeal, and any motions to include them will be denied. *See* Rule 210(c), SCACR ("The Record shall not [] include matter which was not presented to the lower court or tribunal.").

As Respondent did not file a motion to strike the designation of matter, this court declines to rule on Respondent's request to strike that appears in Respondent's return to Appellant's motions. However, nothing in this order prevents Respondent from filing a motion to strike Appellant's designation of matter evidencing that the documents were not before the Administrative Law Court.


_____. J.
FOR THE COURT

Columbia, South Carolina

cc:

Gregory Pencille, 00312332

Christina Catoe Bigelow, Esquire

FILED
Sep 11 2026