

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )  
 )  
Charvis Richey, #322057, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
South Carolina Department of )  
Corrections, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

Civil Action No. 13-CP-29-1138

ORDER GRANTING SUMMARY  
JUDGMENT  
ON BEHALF OF THE DEFENDANT

This matter is before the Court on Defendant's Motion for Summary Judgment. Pro Se Plaintiff is an inmate with the South Carolina Department of Corrections (SCDC) at the Kershaw Correctional Institution (Kershaw) in Kershaw, South Carolina.

This is a medical negligence case. Plaintiff alleges in his Complaint: that on May 15, 2012, he injured his right eye playing basketball; that he was transferred to the Palmetto Health Richland ER where he was diagnosed with and treated for a facial fracture; that he was supposed to be referred to an Ophthalmologist; that for the next several months he complained to the medical and nursing staff at Kershaw that he had dizziness, headaches, facial pain and double vision; that during each visit, the Kershaw doctors and nurses examined him, but the doctors only prescribed pain medication instead of sending him for a follow-up exam with an Ophthalmologist; that on March 20, 2013, he was referred to an Ophthalmologist who examined his left eye instead of his right eye; that SCDC has denied him proper and care and treatment for his eye injury and related medical complaints; and that SCDC was negligent and grossly negligent



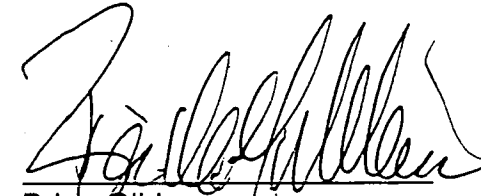
Judgment, and that Plaintiff has had more than sufficient time since his injury in May 2012 and after filing the lawsuit in August 2013 to name an expert and produce an expert Affidavit.

Accordingly, viewing the facts and circumstances in the light most favorable to Plaintiff, I conclude that Plaintiff failed to meet his burden of proof to overcome Defendant's Motion for Summary Judgment. Therefore, because there is no genuine issue as to any material fact, Defendant is entitled to judgment as a matter of law.

Now, therefore, for the reasons stated above, it is

ORDERED that based upon Plaintiff's failure to produce an Affidavit from a medical expert, Defendant's Motion for Summary Judgment is granted, and the above-entitled action against Defendant is hereby dismissed, discontinued and forever ended with prejudice.

AND IT IS SO ORDERED.



Brian Gibbons  
Presiding Judge  
Sixth Judicial Circuit

Lancaster, South Carolina

November 15, 2013