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**OCT 30 2026**

**S.C. SUPREME COURT**

**PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS**

**THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

**APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas**

**Appellate Case No. 2026-002308**

**Citibank N.A.,**

**Respondent,**

**v.**

**Edrico Juan Blakeney,**

**Petitioner.**

**PETITION FOR WRIT OF CERTIORARI**

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Petitioner Pro Se

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## **CERTIFICATE OF COUNSEL**

Petitioner certifies that a timely Petition for Rehearing was made in the Court of Appeals and was finally ruled on by order filed on September 17, 2026.

### **QUESTIONS PRESENTED**

1. Did the Court of Appeals err as a matter of law by affirming a Judgment on the Pleadings on the grounds that Petitioner 'failed to state a legal defense,' where Petitioner's verified Answer explicitly and categorically denied the existence of a contract, identity connection, or any business relationship with Respondent?
2. Did the lower courts violate Rule 10(c), SCRCP, by accepting Respondent's attached unverified billing statements as absolute fact while completely ignoring the explicit written contractual denials integrated directly into Petitioner's timely Answer?
3. Did the lower courts deny Petitioner procedural due process by summarily terminating the action at the pleading stage, thereby preventing a pro se litigant from entering discovery to present physical proof of identity theft and total lack of contract privity?

### **STATEMENT OF THE CASE**

This action originates from a consumer debt collection claim filed by Citibank N.A. in the Magistrate Court regarding an alleged Tractor Supply credit card account. Respondent attached historical billing statements to its initial complaint.

From the inception of this case, Petitioner has maintained an unwavering, absolute defense: he has never contracted with Citibank N.A. or Tractor Supply, had no prior knowledge of this alleged account, and never received or saw a single billing statement before being served with a lawsuit. Petitioner timely filed an Answer, checked the 'Deny' box, and attached an explicit written verification stating: 'I have never given consent and do not ever give consent to ever doing business with said plaintiff.'

Respondent moved for a Judgment on the Pleadings, asserting that Petitioner's Answer failed to state a valid legal defense. At the oral hearing, the trial court agreed, explicitly telling Petitioner that his documentary evidence disputing identity and contract formation 'was not needed,' and granted Respondent's motion. The Court of Appeals summarily affirmed via Memorandum Opinion. A timely Petition for Rehearing was denied on September 17, 2026.

This Petition follows.

## **ARGUMENT**

### **1. THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR OF LAW BY AFFIRMING A JUDGMENT ON THE PLEADINGS UNDER RULE 12(c), SCRCP, WHERE PETITIONER'S INTEGRATED ANSWER CATEGORICALLY DENIED CONTRACTUAL PRIVACY AND KNOWLEDGE OF THE ACCOUNT.**

A motion for judgment on the pleadings under Rule 12(c), SCRCP, cannot be granted if there is any unresolved issue of material fact. As established by this Court in *Russell v. City of Columbia*, 305 S.C. 86, 406 S.E.2d 338 (1991), the court must accept all well-pleaded allegations and denials of the non-moving party as absolutely true.

Respondent successfully argued below that Petitioner failed to state a legal defense. This is a profound error of law. A credit card account is an express or implied contract requiring a meeting of the minds. By checking 'Deny' and explicitly writing that he never consented to do business with Respondent, Petitioner raised the defense of lack of privity of contract. Under South Carolina law, a complete denial of the underlying transaction is a perfectly valid defense that forces the plaintiff to prove its case at a trial. Taking Petitioner's statements as true—as the law requires at the pleading stage—Respondent's motion should have been soundly denied.

### **2. THE LOWER COURTS ERRED BY BYPASSING RULE 10(c), SCRCP, AND APPLYING ITS STANDARDS UNEQUALLY TO DISREGARD PETITIONER'S PLEADING ATTACHMENTS.**

Under Rule 10(c), SCRCP, any written exhibit attached to a pleading is a part of that pleading for all purposes. The lower courts applied this rule unequally. They treated Respondent's attached billing statements as unassailable fact while completely erasing and ignoring the written statements attached to Petitioner's Answer.

Furthermore, this Court has held that pro se pleadings must be construed liberally to ensure a litigant is not stripped of their day in court due to a lack of technical legal jargon (See *State v. Primary Care Physicians*, 375 S.C. 491, 653 S.E.2d 425 (2007)). Petitioner explicitly stated he knew nothing of this debt. Disregarding that statement because it was not drafted by an attorney violates basic procedural fairness.

### **3. THE UNILATERAL ATTACHMENT OF UNVERIFIED BILLING RECORDS BY A PLAINTIFF CANNOT OVERRIDE AN EXPRESS PLEADED DENIAL TO DEPRIVE A LITIGANT OF THE RIGHT TO DISCOVERY AND DUE PROCESS.**

While a physical signature may not be strictly required to establish a consumer credit card account under South Carolina case law (see *Bank of America v. Draper*, 405 S.C. 214, 746

S.E.2d 478 (Ct. App. 2013)), a debt buyer or original creditor is never relieved of its burden to provide foundational evidence linking the specific defendant to the account when identity and contract formation are completely denied. By affirming a judgment on the pleadings, the Court of Appeals erroneously allowed Citibank N.A. to secure a legal judgment on completely disputed, unsworn records without ever forcing them to undergo discovery.

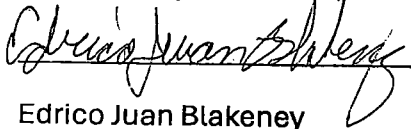
### **CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Petition for

Writ of Certiorari, reverse the decision of the Court of Appeals, vacate the Judgment on the Pleadings, and remand this case to allow the parties to enter discovery.

Dated: October 27, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edrico Juan Blakeney", written over a horizontal line.

Edrico Juan Blakeney

Petitioner Pro Se

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Lancaster, SC 29720

Edrico Juan Blakendr  
2426 Nea Cat Church rd  
Lancaster S.C. 29720

Retail



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OCT 27, 2026

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Clerk of the Supreme Court,  
1231 Gervais St,  
Columbia S.C. 29201

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S.C. SUPREME COURT

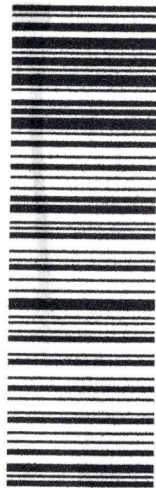
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