

1/10/14

Case No. 2014-00004

Dear Mrs. Kitchings,

Please be advised that I've already sent the documents you're requesting to the Court on 1/6/14. I sent a motion to proceed *In Forma Pauperis* and the order from the lower Court granting the Respondent's Summary Judgment. Along with this correspondence I informed the Court that I'm now at Perry's Institution and not at Lee anymore. Please acknowledge the current correspondence containing the documents you're requesting. Have a great day!

Respectfully Submitted,
Wesley Scott

RECEIVED

JAN 16 2014

SC Court of Appeals

In the State of South Carolina
In the Court of Appeals

Gary Steven Scott #282106

vs.

South Carolina Dept. of Corrections

Motion to Proceed In Forma
Pauperis

Appellate Case No. 2014-000004

I, Gary Steven Scott do hereby request for leave to proceed in this action without prepayment of fees or costs or costs thereof. In support of my motion I declare under penalty of perjury that the following is true:

- 1) I am the Petitioner in this action and I believe I am entitled to redress.
- 2) Because of my poverty I am unable to pay the costs of this proceeding or give security thereof.

Gary Steven Scott

Gary Steven Scott
430 Oak Lawn Rd
Pelzer, S.C. 29669

This 13th day January 2014

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JAN 16 2014

SC Court of Appeals

In the State of South Carolina

In the Court of Appeals

Nancy Steven Scott # 282106

Certificate of Service

vs.

South Carolina Dept. of Soc.

Appellate Case No. 000004

This is to certify that Nancy Steven Scott have placed a copy of this Motion to Proceed In Forma Pauperis in the U.S. Mail to: The S.C. Court of Appeals, 1015 Sumter St., Columbia, S.C. 29201 and also to the Office of the Attorney General, P.O. Box 11549, Columbia, S.C. 29211 on this 13th day of January 2014.

Respectfully Submitted,

Nancy Steven Scott
Gary Steven Scott

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEE)

COURT OF COMMON PLEAS
IN THE THIRD JUDICIAL CIRCUIT
CASE NO.: 2013-CP-31-00181

GARY STEVEN SCOTT, # 282106)
)
PLAINTIFF,)

VS.)

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS**

MICHAEL McCALL (WARDEN); ASSOC.)
WARDEN JAMES C. DEAN (OF)
PROGRAMS); MARLON A. FEDD(FOOD)
SERVICE DIRECTOR); WILLIE DAVIS,)
(DEPUTY WARDEN-ASU LOCK-UP),)
AND THOMAS COMMANDER (CAPT.)
FOR ASU), ET AL.)

DEFENDANTS.)

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JAN 16 2014

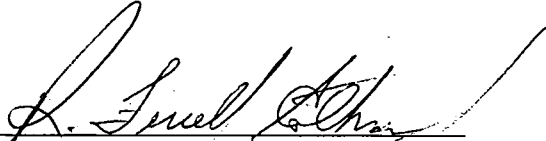
SC Court of Appeals

The Defendant's Motion to Dismiss came before this Court on November 15, 2013. The Plaintiff, Gary Steven Scott, appeared pro se. S. Ashley Gwin, Esquire, appeared on behalf of the above named Defendants.

The Plaintiff's Complaint alleges that the Defendant violated his right to freedom of religion under the 1st Amendment of the United States Constitution. The Plaintiff claims that employees of the South Carolina Department of Corrections brought his breakfast too late so that he could not consume the breakfast before he began fasting for Ramadan. The Defendant filed its Motion to Dismiss citing Rules 4, 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(4), 12(b)(5), and 12(b)(6) of the South Carolina Rules of Civil Procedure.

The Defendant's Motion to Dismiss should be granted because this action involves a federal question that should be brought in the federal courts. This Court is not the proper forum for such claims.

It is HEREBY ORDERED that the Defendant's Motion to Dismiss is GRANTED. This ends the case.


The Honorable James C. Cottrane, Jr.

November 23, 2013