

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal From South Carolina Court of Appeals  
Honorable Jasper M. Curston, AJ  
Appellate Case No. 2014-000835

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T. Terrell Bryan,

Petitioner,

v.

SCDC,

Respondent.

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PETITION FOR WRIT OF CERTIORARI

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T. Terrell Bryan  
#254638, SMU-NY3, Lee C.I.  
990 Wilsack Hwy  
Bischoffville, SC 29010  
PRO SE PETITIONER

Chris D. Florian, Esq.  
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4444 Broad River Rd.  
Columbia, SC 29210  
COUNSEL FOR RESPONDENT

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THE COURT OF APPEAL ERR BY NOT REMANDING TO THE ALC WITH INSTRUCTIONS TO THE ALC TO ISSUE A FINAL APPEALABLE ORDER THAT DISPOSES OF THE CAUSE. \_\_\_\_\_ 6

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## APPENDIX

### Document

1	Step 1 grievance/grie. No. MCCI 0134-14
2	12/06/13 Request to Ms. Saltsburg/Case Worker
3	1/08/14 Request to A. Hallman / IGA
4	5/15/14 order
5	6/30/14 order

# TABLE OF AUTHORITIES

## I. STATUTES

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## II. CASES

Kriti Ripley, LLC v. Emerald Inv., LLC, 404 S.C. 367, 746 S.E.2d 26 (S.C. 2013) — 6

Howard v. SCOC, 397 S.C. 618, 733 S.E.2d 211 (S.C. 2012) — 6

## III. COURT RULES

## STATEMENT OF ISSUES ON APPEAL

DID THE COURT OF APPEALS ERR BY NOT REMANDING TO THE ALC WITH INSTRUCTIONS TO THE ALC TO ISSUE A FINAL ORDER?

## STATEMENT OF THE CASE

I filed a step 1 grievance on 2/26/14 which was not processed. See attached document #1, Step 1 Grievance, Gric. NO. MCCI 0134-14, w/EXHIBITS, Documents #2-3. Per SCOK's policy, this is a Final Agency's decision. I timely appealed to the ALC.

I timely filed a Notice of Appeal to the S.C. Court of Appeals. The Court of Appeals "... declines to act on the filings," see attached document #4, 5/16/14 ORDER. I filed a Petition for rehearing, which was denied, see attached document #5, 6/30/14 order.

This is this timely writ.

## ARGUMENT

THE COURT OF APPEALS ERR BY NOT  
REMANDING TO THE ALC WITH INSTRUCTIONS  
TO THE ALC TO ISSUE A FINAL  
APPEALABLE ORDER THAT DISPOSES OF  
THE CAUSE!

The Honorable Jasper M. Cureton, AJ, dismissed the appeal because the memorandum of the ALC clerk's office is not a Final order. This is error where the proper order would be an order remanding to the ALC with instructions for the ALC to issue a Final order.

A Final order is an order that "dispose[s] of the cause... Reserving no further questions or directions for future determination." Kriti Ripley, LLC v. Emerald Investments, LLC, 404 S.C. 367, 746 S.E.2d 26 (S.C. 2013), see also Howard v. SDC, 399 S.C. 618, 733 S.E.2d 211 (S.C. 2012), where the court held that the ALC could have ruled on the constitutionality of the claim.

# CONCLUSION

The Court grant certiorari, declare the clerk's practice of issuing an Unappealable memo unconstitutional & REMAND to the HLC for a judge to issue a Final order &/or REMAND to the S.C. Court of Appeals for a ruling consistent with the above &/or grant certiorari for Full briefings.

7/28/14, SC  
dated

X. T. Terrell Bryan

T. Terrell Bryan

#259538, SPD-N43, Lec C.I.

990 Wiskay Hwy.

Bishopville, SC 29010

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SC05,

Respondent.

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IN FORMA PAUPERIS MOTION

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I, T. Terrell Bryan, hereby apply for leave to proceed in this action in forma pauperis, in support of this motion I affirm under penalty of perjury, 28 U.S.C. § 1746 & 18 U.S.C. § 1621, that the following is true:

1. I am the Petitioner in this action & believe that I am entitled to redress.
2. Because of my poverty I am unable to pay the costs of said proceedings, or give security thereof.

1/23/14, SC  
dated

X. T. Terrell Bryan  
T. Terrell Bryan  
#254538, SMO-N43, Lee C-I.  
990 Wisocky Hwy  
Bishopville, SC 29010

APPENDIX

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal From South Carolina Court of Appeals  
Honorable Jasper M. Cureton, AJ  
Appellate Case No. 2014-004835

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SCDC,

Respondent.

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PROOF OF SERVICE

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I hereby certify that I served a copy of the "Petition for Writ of Certiorari" & "In forma Pauperis Motion", on: Chris Florian; Deputy General Counsel; P.O. Box 21789; Columbia, SC 29221-1789.

1/20/14, SC  
dated

x. T. Terrell Bryan  
T. Terrell Bryan  
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990 Wisacky Hwy  
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