

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

**RECEIVED**  
NOV 10 2014  
**SC Court of Appeals**

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, *Administrative Law Judge*

---

CASE No. 14-ALJ-04-0459-AP

---

T. Terrell Bryan, # 254638,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

---

**MOTION TO DISMISS APPEAL OR, ALTERNATIVELY, DENY IFP**

---

COMES NOW, Respondent, South Carolina Department of Corrections (“Department”) and moves this Honorable Court for an order dismissing this appeal or, alternatively, denying Appellant’s motion to proceed *in forma pauperis*.

In support of this motion, Respondent would show unto the Court the following:

1. This matter comes before the Court by way of Appellant’s appeal of Judge Durden’s order denying Appellant costs in the amount of \$25.00—costs Appellant admitted he wanted only in order to file yet more appeals in the ALC without having to pay the filing fee. (*App. ’s Br. 5.*)

2. Appellant has filed several frivolous appeals and cases in the courts of this State, and it is not a stretch to characterize many of his filings and motions as abusive, even when viewed in a light most favorable to a *pro se* inmate. For example, Appellant has filed no fewer than 23 appeals in either this Court or the South Carolina Supreme Court since 2012. Appellant's frivolous and even malicious filings in federal court prompted U.S. Magistrate Judge West, in *Bryan v. Cartledge*, to note the following (to which U.S. District Judge Cain agreed):

Plaintiff is a frequent filer in the federal court system and previously has filed more than 26 civil actions in United States District Courts. The undersigned finds that the following civil actions filed by Plaintiff qualify as "strikes" because the civil actions were dismissed as frivolous, malicious, or failing to state a claim: (1) *Bryan v. Defense Tech. U.S.; U.S. Att'y of San Diego*, No. 10cv1771 W(BGS) (S.D.Ca. Nov. 2, 2010); (2) *Bryan et al. v. Security Equip. Corp., et al.*, No. 11CV-238-S (W.D. Ky. Feb. 3, 2012); (3) *Bryan v. Defense Tech. U.S., U.S. Att'y, Penny Morton, Tracey T. Sumner, et al.*, No. 3:10-cv-579-CRS (W.D. Ky. Apr. 27, 2012); and (4) *Bryan v. Russell Campbell, Diane S. Hoehing, Defense Tech. U.S., U.S. Att'y*, CV. 10-882-ST (D. Or. Nov.3, 2010).

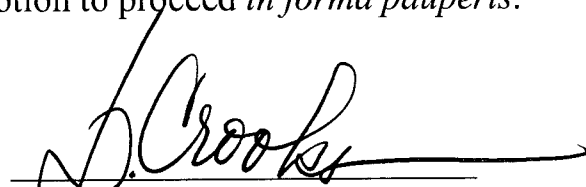
No. 5:12-cv-3439, 2013 WL 4056362, \*4 (D.S.C. Aug. 12, 2013).

3. Most importantly, there is no genuine legal issue raised by Judge Durden's order, which clearly notes that the ALC's "rules contain no provision for awarding costs in the present situation, and [Appellant] has offered no authority in support of his request." *Order* at 1. In fact,

Appellant's own brief cites only to the Federal Rules of Appellate Procedure when citing authority to reclaim costs. (*App. 's Br. 7.*)

4. Finally, Appellant's appeal in this matter is harassing, frivolous, and intended only to further inundate this Court with meritless claims.

WHEREFORE, Respondent respectfully requests that the Court dismiss this appeal or, alternatively, deny Appellant's motion to proceed *in forma pauperis*.



Daniel J. Crooks III  
Staff Attorney  
S.C. Department of Corrections  
P.O. Box 21787  
Columbia, South Carolina 29221  
(803) 896-19355 [direct]

*Counsel for Respondent*

Columbia, South Carolina  
November 10, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, *Administrative Law Judge*

---

CASE No. 14-ALJ-04-0459-AP

---

T. Terell Bryan, # 254638,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

---

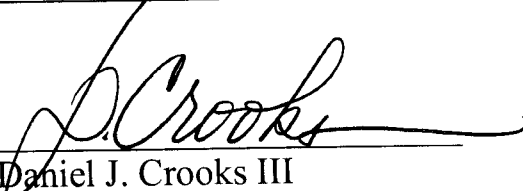
**CERTIFICATE OF SERVICE**

---

I hereby certify that I have served a copy of the foregoing *Motion to Dismiss* upon Appellant by depositing a copy of same in intra-agency mail, on November 10, 2014, addressed to: T. Terell Bryan, #254638, Lieber CI.

**RECEIVED**  
NOV 10 2014

**SC Court of Appeals**



---

Daniel J. Crooks III  
Staff Attorney  
S.C. Department of Corrections  
P.O. Box 21787  
Columbia, South Carolina 29221  
(803) 896-19355 [direct]

Columbia, South Carolina  
November 10, 2014