

In the State of South Carolina
In the Court of Appeals

Appeal From the Administrative Law Court

John D. McLead Administrative Law Judge

Appellate Case No. 2014-001094

Perry Gilmore #344879 Appellant

v.

COPY

South Carolina Department
of Corrections Respondent

Motion to Reinstate and Close but Not Dismiss Case

Appellant moves to ask this court to reinstate & close but not dismiss abovecaptioned case pursuant to South Carolina Appellate Court Rules 231 and the court's discretionary authority to do so.


Appellant does not have any light in his cell to see the order to write & is awaiting maintenance to fix it. See Exhibit A attached. Such is causing Appellant undue strain on his eyes & is causing him pain, burning, & watering of his eyes. For this reason Appellant requests that this court grant this motion & allow him to continue litigating once his light is fixed. (NOTE: Appellant is in lockup & therefore cannot go to another area to write.)

Moreover, see Exhibit B attached. Appellant needs to conduct legal research to learn "procedural rules" & "caselaw" in order to prepare his "Designation of Matter to be Included in the Record" & "Brief(s)" but the law Computer which the Institution he is at requires him to use for such is down. Therefore, Appellant asks this court to grant this motion & allow him to continue litigating once it & his light are fixed based on the reasoning in Whalem/Hunt v. Early, 233 F.3d 1146 (9th Cir. 2000). Appellant promises to continue litigating once everything is fixed.

Thank you.

November 6, 2014
Ridgeville, SC

Daniel Crooks III
Attorney for Respondent
P.O. Box 21787
Columbia, SC 29221


Perry Gilmore #344879
P.O. Box 205
Ridgeville, SC 29472
(APPELLANT)

RE: "Informal Resolution Attempt" / Request to Staff Member

RECEIVED

Warden McFadden:

EXHIBIT A

OCT 06 2014

My light is broke. It's been broke for a long time fixed, so I can see to file legal documents with ^{WARDEN'S OFFICE} ~~TALIBERO~~, ^{it}

I did not do anything to break my light. It just blew one day. I have never went into my light or even touched it. You can see for yourself, I do not tamper with my lights. It's exactly as ~~the~~ maintenance left it when he fixed it before I came in my present cell with the exception of the blown balast &/or bulbs inside the intact cover/frame.

I respectfully request that you have maintenance fix my light; if they don't have any lights, I ask that you put in for/rush delivery or buy one from a local building supply store, I need to be able to see in order to write up documents I need to file with the courts.

Thank You.

October 4, 2014

Perry Gilmore #344879

DISPOSITION OF STAFF:

Mr. Gilmore maintenance have ordered parts to repair the lights.

Thank you

Warden M. J. [unclear] 10/29/14

Date:

Signature:

CC: File; Maintenance; Warden McFadden;

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

REQUEST TO STAFF MEMBER

EXHIBIT B

- INFORMAL RESOLUTION ATTEMPT -

TO: NAME: Ms. Raverell	TITLE: Classification Law Computer Appointment Scheduler	DATE: 11/4/14
INMATE'S NAME: Gilmore, Perry	SCDC #: 344829	
INSTITUTION: Lieber	LIVING QUARTERS: SMC B 239	

Ms. Raverell, I have two questions:

Received by Ms. Raverell

NOV 03 2014

1. "About" how long has the computer for legal research been down (i.e. how many months now, or, since what date)???

2. "About" when do you expect the law computer to be fixed (i.e. in about how many days, weeks, months or years, or, about on what date)???

Please answer these questions for me in the space provided for your disposition below, please ma'am.

Thank you, Ms. Raverell. Have a blessed day.

Respectfully Submitted, P. G.

DISPOSITION BY STAFF MEMBER:

1. About 2 month

2. Don't know. ~~wait~~ Columbia to fix it they have been notified.

DATE:

11-3-14

SIGNATURE:

In the State of South Carolina
In the Court of Appeals

Appeal From the Administrative Law Court

John D. McLeod Administrative Law Judge

Appellate Case No. 2014-0010941

Perry Gilmore #344879 Appellant

v.

South Carolina Department of
Corrections

COPY

Respondent

PROOF OF SERVICE

This certifies service of Appellant's Motion to Reinstate and Close but Not Dismiss Case was made upon below party to this action by placing same in the United States Mail, postage paid, on November 6, 2014:

Daniel Crooks III
Attorney for Respondent
P.O. Box 21787
Columbia, SC 29221

This 6 day of November, 2014

By: Perry Gilmore

Perry Gilmore
Perry Gilmore #344879
P.O. Box 205
Ridgeville, SC 29472

RECEIVED

NOV 10 2014

SC Court of Appeals

S.C. Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

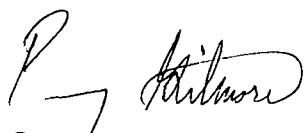
November 6, 2014

Re: Perry Gilmore #344879 v. SCDC, Appellate Case No. 2014-001094

Dear Clerk:

Please find enclosed for filing Appellant's Motion to Reinstate and Close but Not Dismiss Case in aboverferenced case.

COPY


Perry Gilmore #344879
P.O. Box 205
Ridgeville, SC 29472

cc: Daniel Crooks III
Attorney for Respondent