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by (STATE INMATE'S) PROSEC. WITHOUT ATTORNEY

TO APPEAL'S S.C.D.C. DECISION THAT'S DUE PROCESS
VIOLATION OF [FOURTEENTH AMENDMENT] **RECEIVED**

*THURSDAY JUNE 11th 2015

JUN 15 2015

SC Court of Appeals

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TO: THE SC COURT OF APPEALS COURTS OF APPEALS FILED

** JENNY ABBOTT, Kitchings Clerk **

P.O. Office Box 11629

* COLUMBIA SOUTH CAROLINA 29211 # *

*** COLORABLE CLAIM - LOSS - DEATH - LIFE - DAMAGE'S AT STAKE **

*** MEMORANDUM LAW BRIEF: COLORABLE CLAIM ***

OF DOUBLE JEOPARDY CLAUSE, (VIOLATION DUE PROCESS OF, U.S.C.A.

UNCONSTITUTIONAL ACTS OF [SOUTH CAROLINA DEPARTMENT OF CORRECTIONAL],

THE APPELLATE COURTS ARE TO FIND (INSUFFICIENT) OF (EVIDENCE)

TO: (CONVICT) OR (ON) APPEALS FROM (A) JUDGMENTS OF CONVICTION

IS FOR DOUBLE JEOPARDY: PURPOSES IN CASE OF LIFE & LOSS

OF LIMBS, BE PUT TWICE - IN JEOPARDY RISK. IMMINENT - DAMAGE

OF (DANGERMENT) OF (BIAS) - PREJUDICED (DISCRIMINATION) OF THE,

SOUTH CAROLINA DEPARTMENT (VIOLATION) OF (POSSIBILITY) NOT (VALUE).

* CONTROLLING (OR) SOUTH CAROLINA (STATE) APPEALS, WHILE, PROSE STATE,

* INMATE, CALVIN BYNDALE GADY ^{SC.D. 32351} ON (F.R.A.P. RULE 41)

& LOCAL RULE 41. [Stayed of MANDATE] QUESTION OF (STATE LAW *PENDING*)

* FINALITY DISPOSITION OF (FINAL JUDGMENT (CONVICTION) (SENTENCE))

* AFFIRMATIVE BY STATE OF SOUTH CAROLINA APPEALS COURT'S (OR)

THE UNITED STATE COURTS APPEALS FROM FOURTH CIRCUIT JURISDICTION*

(OVER) FEDERAL LAWS - CONSTITUTIONAL [OF DUE PROCESS CLAUSE] 14th AMEND.

FORBID'S ANY CONVICTION OF SENTENCE OF UNCONSTITUTIONAL ACTS

AT *DISPUTE*. STATE APPELLATE [JUDGES] HAS JOB, AN [OBLIGATION]

TO ENFORCE, APPLICABLE, STATE & FEDERAL LAWS. U.S.C.A. C.A. 4

** [SEE] RICHARDSON - V - UNITED STATE, 468 U.S. 328 1984. ***

COLORABLE CLAIM OF DOUBLE JEOPARDY LIABILITY, DAMAGE'S

LOSS OF ANY (LIBERTY OF INTEREST) DEATH - LIMB - LIFE AT STAKE

UNCONSTITUTIONAL - UNLAWFULLY PLACED IN JEOPARDY

The South Carolina Court of Appeals

Calvin Gaddy, 323551 (Appellant,

Pending Stay of Mandate

v.

*DECLINED F.R.A.P. Rule 41.

State Law question

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2014-002629

NO AFFIRMATIVE

CONVICTION

9?

The Honorable Shirley C. Robinson
Trial Court Case No. 2014ALJ040933AP

OR (SENTENCE)

SEE (F.R.A.P. Rule 41.)

ORDER

(STATE) (DEFAULTED)
Stay of Mandate

*DECLINE under 42 U.S.C.A. § 1997 E (A)
(STATE) HAS (NO) (MORE) (REMEDIES)

Appellant has failed to file a proper notice of appeal containing the information required; and a proof of service, as required by Rule 203 of the South Carolina Appellate Court Rules, and the Court's letter dated January 15, 2015. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

F.R.A.P. Rule 41. AND

LOCAL Rule 41. Stay Mandate

State Law
???

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

ST 6/5/15

cc:

Calvin Lyndale Gaddy, 00323551
Daniel John Crooks, III, Esquire

INFORMAL NOTICE'S

MEMORANDUM OF LAW & AFFIDAVIT OF RULE F.R.C.P.

56(G), in Good Faith, by GOD'S LAWS NOT MAN LAWS.
That, PROSE Litigant, MR CALVIN LYNDALE GADY, ^{SICDC #} 323551
HAS SENT, PRIMA-FACIE-FACTS, OF PREPONDERANCE, FACTS,
EVIDENCE, OF (his) illegally PRISON) CONDITION), (Never, Convicted)
by (legal (State GRAND JURY)) OF (AFFIRMATIVE FINALITY)
Judgment, *Conviction* : *Sentence* (by SOUTH CAROLINA SUPREME,
(COURT) OF STATE OF SOUTH CAROLINA) PROSE Litigant (family)
TRIED, OF (CAT) (MICE) GAME'S OF, IN CONSPIRACY PROTECTION

*between, (STATE) (FEDERAL) (GOVERNMENT) ALL STATE (REMEDIE)
*EXHAUSTED. UNDER 42. U.S.C.A. 1997 E (A), That ALL (partie)
below (R) (guilty) OF (CONSPICUOUS*CONSPIRED)-NEGLECTED
(duty), FOR (liability) (death loss) (liberty) (interest of, ONE (LIFE))

That's has family (love me) that will *SEEK CIVIL (TORT) ATTORNEY*
NOT (SCARE) THE MASSIVE TORT, OF THIS (SCANDAL) TO, PUBLIC

ATTENTION, REMEMBER PARTIE BELOW YOU WAS (SWORN) IN BY
*(OATH DO) SEE (JUSTICE DONE) OF (VIOLATION LAW (STATUTE) CODE) CANON)
(RULE) (REGULATION) (POLICY) BEEN (VIOLATED) ACCORDING (GOD'S LAWS.)

* (REMEMBER JESUS COMING BACK.) YOU MADE PROMISE BEFORE "GOD"

To: ADMINISTRATIVE OFFICE OF THE UNITED STATE COURT'S

* WASHINGTON D.C. 20544. *

* To: SOUTH CAROLINA COURT'S APPEALS *

POST OFFICE BOX 11629. COLUMBIA SC. 29211.

* (REMEMBER) JESUS CHRIST COMING SOON IS, YOUR SOUL RIGHT?
NEGLECTED YOUR JOB DUTY SWORN IN OFFICE IN FRONT OF GOD

* (BIBLE) NOT MAN. TO SPEND ENTITY IN HEH. (FOR NOT)

* (*) DOING RIGHT THING. (NOT) TURNING BLIND EYE'S. *

Colorable claim * discriminating *

* Double Jeopardy (PROSE Civil Rights)

↓ FEDERAL COURT HAS JURISDICTION

SEE PORTER - V. NUSSLE

534 U.S. 516 2002

OVER YOU



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

* Colorable claim *

(NO)

* CONTROLLING *
binding
PRECEDENT'S

YOU'RE NOT
* Taking About *

* Nothing *
NO AFFIRMATIVE

* SENTENCE OR
* CONVICTION *
* FELONY *
* STATE LAWS *

(Double - Jeopardy)
(LIFE & *Limb's)

SEE Richardson

United State
468. U.S. 328, 1984

* DOUBLE JEOPARDY, FAILURE (CORRECT)
→ (CORPORATE) with (PROSE STATE PRISON)
→ Liberty of LIFE INTEREST - DAMAGES \$\$\$

→ RISK'S: SEE. 42 U.S.C.A. § 1997 E (A)

(ALL) State Administrative Exhausted

* Pending Stay of Mandate

* F.R.A.P Rule 41 & local Rule 41

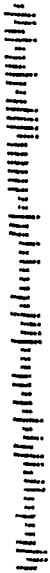
→ State laws question

NO
↓
STATE SENTENCE

CONVICTIONS
(AFFIRMATIVE)

* FELONY *

STATE BAR



CALVIN LYNDALE GADDY, 00323551
LIEBER CORRECTIONAL INSTITU
P. O. BOX 205
RIDGEVILLE SC 29472

WARDEN'S OFFICE
LIEBER C.I.

MAY 28 2015

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* IN FOMA - Notice, (STATE PROSE PRISONER) IN (CASE)
↓ (NOTICE) OF (DEATH) IRREPARABLE (LOST LIFE)

* [STAY OF MANDATE] * MEMORANDUM GOD'S LAWS *

* F.R.A.P. Rule 41.

* [WITH AFFIDAVIT OF F.R.C.P. Rule 56(G)] *

* Pending State Law ?? [GOOD FAITH.]

I, Calvin Lyndale Gaddy Sr. dc # 323551. on this date of _____
CERTIFY & VERIFY under God's oath that these parties below
ARE guilty of CRIME OF CONJUNCTION - CONSPICUOUS - CONSPIRE

* CONSPIRACY (violation, code) statute (statutory) CANON (laws)

ARE (LIABILITY) FOR - PASS - PRESENT & FUTURE, LIFE, DANGEMENT
Liberty of interest of LAW. THAT MR PROSE LITIGANT. WITHOUT
LAW SKILL, being discriminated, by these (GOVERNMENT)
AGENCY below. in Exhibits A, B, C, D, E, 2015 ARE, LIABLE.
TO: THE JUSTICE MRS CHIEF, JEAN H. TOAL

* SOUTH CAROLINA SUPREME COURT'S POST-OFFICE BOX 11330

* COLUMBIA SOUTH CAROLINA 29211

TO: ADMINISTRATIVE OFFICE'S OF THE UNITED STATE COURT'S

FEDERAL GOVERNMENT AGENCY WASHINGTON D.C. 20544

* LIABLE WHILE ON F.R.A.P. STAYED OF MANDATE. PENDING

TO: SOUTH CAROLINA COURT'S APPEALS POST-OFFICE BOX 11629 COLUMBIA,
SOUTH CAROLINA 29222

I, do one this day of JUNE 04 - 2015 AND TRUE COPY. BEING
FORWARDED, TO ALL (RELATIVE) WITH GET COPY. IN CASE (MY DEATH WHILE)
SERVING ILLEGALLY SENTENCE IN SOUTH CAROLINA PRISON SYSTEM, HAS ALL

(MY) ARCHIVE SEEK CIVIL MASSIVE TORT CLAIM. FOR PUNITIVE DAMAGE

THESE AGENCY CAN'T CLAIM IGNORANCE, DIDN'T KNOW, I DECLARE, UNDER
PENALTY THIS DAY OF JUNE 05 ARE TRUE & CORRECT. UNDER

28. U.S.C. § 1746 ^{5/1} ARE TRUE CORRECT.

⊗ Susceptible ⊗

* * Liability *
* death \$\$\$ LIFE *

⊗ PROSE State Inmate ⊗
Right of Civil Rights

* DISCRIMINATING *

SEE PORTER V. NUSSLE
534 U.S. 516 2002

⊗ PRISON-CONDITION ⊗

⊗ Double Jeopardy ⊗
ON YOU ?? RISK.

(SEE) 42 U.S.C.A. § 1997 E (A)

(ALL) STATE REMEDIE DE FAULTE *

* PENDING MANDATE.

F.R.A.P. 41, RULE

LOCAL RULE 41.

RULE CIVIL PROCEDURE

⊗ LIABILITY ⊗
⊗ LIBERTY OF INTEREST DEATH.
⊗ (DAMAGE) ⊗ \$\$\$

FAILURE NEGLECTED

* CORPORATE *

with
PROSE
LITIGANT

STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201

⊗ NO (CONTROLLING) ⊗
⊗ (PRECEDENT'S) ⊗

⊗ YOU'RE TAKING ABOUT
⊗ NOTHING ⊗
NO CONTROLLING ⊗ BINDING ⊗
⊗ PRECEDENT'S ⊗

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JUN 01 2015

WARDEN'S OFFICE
LIEBER C. I.

Calvin Gaddy, #323551
Lieber Correctional Institution
P.O. Box 205
Ridgeville, SC 29472

LEGAL MAIL



29472020505

FILED

JUN 04 2015

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Calvin Gaddy, 323551,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 15-ALJ-04-0241-AP
Grievance No.: LCI 1136-14

ORDER OF DISMISSAL

Susceptible →

* ~~DECLINE~~ State (has) NO → (REMEDIE) STAY OF MANDATE
42 U.S.C.A. § 1991 E (A)
SEE F.R.P. 41 AND LOCAL RULE 41^H

This matter is before the South Carolina Administrative Law Court ("the ALC" or "the Court") pursuant to the Notice of Appeal filed May 22, 2015, by Calvin Gaddy ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Department"). Appellant appeals the Department's decision finding that Appellant was afforded ample law library access. NO CONTROLLING PRECEDENT ←

The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep't of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. South Carolina Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004), provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007). ~~DOUBLE JEOPARDY~~ LIFE & LIMB'S

For the purpose of establishing jurisdiction, a state-created liberty or property interest exists when (1) an inmate is disciplined and punishment is imposed, or (2) when an inmate alleges prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. Sullivan, 355 S.C. at 441, 586 S.E.2d at 126. Additionally, this Court has jurisdiction when an inmate contests the Department's decision to permanently deny the inmate's parole eligibility. Id. Finally, under certain circumstances, an inmate may have a state-created liberty interest in "freedom from restraint" which, while not exceeding the sentence in such an unexpected manner as


pending x double-jeopardy Page 1 of 2 Risk, life, dangerment
\$ H. NEVER (CONVICTED) FELONY STATE LAWS

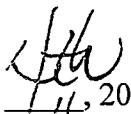
Pending Litigant
F.R.A.P. Rule 41
STATE LAW?
Stay of Mandate
Pending on State

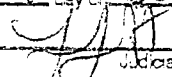
to give rise to protection by the Due Process Clause of its own force . . . nonetheless imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” Sandin v. Conner, 515 U.S. 472, 483-84 (1995); see Sullivan, 355 S.C. at 443, 586 S.E.2d at 127 (applying Sandin to resolve a “condition of confinement claim”).

Here, Appellant complains that the Department failed to provide him with adequate time in the law library, ultimately, depriving him access to the courts. This complaint does not arise from punishment administered for a disciplinary conviction, nor does it relate to Appellant’s sentence, sentence-related credits, or custody. Moreover, this is not an “atypical” condition of restraint. Accordingly, Appellant has not alleged deprivation of a state-created liberty or property interest in this matter. Therefore, the Court finds Furtick to be controlling, and the case is dismissed for lack of jurisdiction.

IT IS HEREBY ORDERED that this appeal is **DISMISSED, with prejudice.**
AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge


June 11, 2015
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 4 day of June, 2015
By: 
Judicial Law Clerk

MR. CARROLL
LIEBER CORRECTIONAL INSTITUTIONAL
Edisto B #54
P.O. Box 205
Ridgeville S.C. 29472^H



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JUN 15 2015
SC Court of Appeals

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THE DEPARTMENT OF CORRECTIONS HAS NOT
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