

State of South Carolina
County of Columbia.

John Holloway #277261

Appellant

V.

South Carolina Dept
of Corrections.

Respondent

In The Court of Appeals.
Fourth Judicial Circuit

Motion And Affidavit
To Proceed IN Forma
Pauperis.

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SC Court of Appeals

I, John Holloway, being duly sworn, state that I am the Appellant and that I do not have the funds available to pay the costs of filing in the present matter and have already have been allowed to proceed in forma pauperis in the civil matter from which I am appealing. Find attached a memorandum of law to support appellants request for in forma pauperis due to indigency.

Sworn to and before me
this 27th day of August, 2015.

My Commission Expires On;
Exp. Date: May 26, 2020.

Shuehan Bryant
Notary Public.

John Holloway #277261
LCI (EA-32)
P.O. Box. 205
Ridgeville, SC, 29472
Appellant, Pro Se.

☐ Leave is granted to proceed in forma pauperis without payment of the filing fee.

☐ Leave is denied to proceed in forma pauperis.

Dated: _____, S/
Judge/Clerk of Court

The State of South Carolina
IN the County of Columbia
The Court of Appeals.

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SC Court of Appeals

Appellate C/A No. 2015-001747

John Holloway #277261,....., Appellant,

V.

South Carolina Dep't of Corrections, Respondents.

Memorandum of Law To
Support Motion For IN
Forma Pauperis.

Arguments:

- 1.) Because there is no exhaustion requirement in a State Tort under § 15-78-10, Circuit Court Judge Thomas A. Russo, erred in ruling that appellant should have properly exhausted his grievances...
- 2.) Because the Administrative Procedure Act does not apply to South Carolina Tort Claims Act, Circuit Court Judge Thomas A. Russo, erred in allowing Respondent to present it as a defense in his motion to dismiss oral argument...
- 3.) Because Respondent had burden of proof when moving for summary judgment pursuant to SCRPC Rule 12(c), Circuit Court Judge Thomas A. Russo, erred in not granting light to the Non-moving party, when appellant presented factual material evidence...
- 4.) Because Circuit Court Judge Thomas A. Russo, erred in being a ~~biased~~ biased decision maker, he violated his Code of Judicial Conduct...

Statement of Facts:

1.) South Carolina State Tort Act §15-78-10, does not have an exhaustion requirement. Therefore, appellant cannot be held at fault for not properly completing a grievance procedure that isn't applicable and cannot afford the relief appellant seeks for the loss suffered. "Prison inmates action against prison warden alleging unauthorized seizure of funds by warden from inmates account should not have been dismissed for failure to exhaust ~~the~~ administrative remedies, inasmuch as there was no administrative procedure which afforded relief sought by inmate," Conklin V. Zant, 414 S.E. 2d, 741; Wilson V. Ledbetter, 390 S.E. 2d, 846.

The inmate grievance system, SCDC Policy/Procedure GA-01.12, in itself states that the arguments and relief appellant debates and seeks is a non-grievable issue and therefore the grievance system is not applicable see, Exhibit - SCDC#3.

2.) The Administrative Procedures Act §1-23-310, clearly states in its Cross Reference, "Provision that handling and disposition of claims under the South Carolina Tort Claims Act are not subject to the

Provisions of this article, see §15-78-80;

Under §15-78-80 it states, "Filing of verified claims; Requirement that agencies and political subdivisions cooperate with Budget Control Board. (4.) The handling and disposition of claims filed under this chapter are not subject to the provisions of Article 3, chapter 23 of title 1."

3.) Respondent could not meet the burden of proof to prove appellant did not have factual material evidence, see exhibit-SCDC#1, exhibit-SCDC#2, exhibit-SCDC#3, exhibit-81, Exhibit-MTN, exhibit-No. 4 pgs. 2 and 3, exhibit-C and exhibit-D. Therefore, with the above named factual material exhibit evidence being presented by appellant at the Motion to Dismiss hearing, Circuit Court Judge Thomas A. Russo, erred in not granting appellant light most favorable to him, denying appellant appropriate applications of law.

4.) For Circuit Court Judge Thomas A. Russo, to grant light most favorable to the Respondent when he did not meet the burden of proof to prove appellant did not have factual material evidence, when in fact, appellant presented 8 pieces of factual material exhibit evidence, he went beyond the scope of his judicial

conduct, and denied appellant his right to a unbiased judicial review and correct application of law. Circuit Court Judge Thomas A. Russo, erroneously applied the exhaustion requirement from the Administrative Procedures Act, when, A.P.A. § 1-23-310 specifically states S.C. Tort Claims Act isn't subject to the provisions in A.P.A. § 1-23-310, and it states the same again in § 15-78-80(7). Circuit Court Judge Thomas A. Russo, held appellant to a strict standard of exhaustion requirement that does not exist in S.C. Tort Claims Act § 15-78-10, which again, breached his judicial conduct violating, Rule 501, SCACR, Code of Judicial Conduct, Canon 2; Where it states, "A Judge shall avoid impropriety and the appearance of impropriety in all of the Judges activities."

Application of Law:

1.) Respondent Filed for a Motion To Dismiss Pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(6) and 12(c), SCRCP, claiming that appellant failed to state a claim or facts sufficient upon which relief can be granted, seeking adjudication in the inappropriate avenue. "Defense of failure to state facts sufficient to constitute cause of action under Rule 12(b)(6) is properly raised at trial on merits pursuant to Rule 12(b)(2)."

Inman V. Ken Hyatt Chrysler Plymouth, Inc., 294 S.C. 240, 363 S.E. 2d 691 (1988). Respondent should have properly sought trial to raise his claims and defenses versus the extreme and severe decision to seek a judgment on the Pleadings, "A judgment on the Pleadings is considered to be a drastic procedure", Talk V. Sadler, 341 S.C. 281, 533 S.E. 2d 350 (S.C. App. 2000).

2.) Circuit Court Judge Thomas A. Russo, erroneously dismissed appellee's case for failure to exhaust administrative remedies and failure to state a claim. "A motion to dismiss must be based solely on the allegations set forth in the complaint and the Supreme Court must presume

all well-pled facts to be true," Gressette V. South Carolina Elec. and Gas Co., 370 S.C. 377, 635 S.E.2d 538 (2006), therefore, appellants legal claims and allegations of §15-78-10, §15-78-60(25), "Gross - Negligence" and violations of "Duty of Care", §24-1-130 and SC. Const. Art. 12 § 2, must be construed as fact and the dismissal must be solely based on these factual allegations. Thus, Circuit Court Judge Thomas A. Russo, erred in dismissing the case for failure to exhaust administrative remedies when the sole allegations of the complaint are §15-78-10, §15-78-60(25) "Gross Negligence" and the violations of "Duty of Care" §24-1-130 and SC. Const. Art. 12 § 2 and the dismissal can only be based solely on these allegations, Gressette V. SC. Elec. and Gas Co., Supra. Respondents state that appellant failed to state a claim for which relief can be granted and Circuit Court Judge Thomas A. Russo, again erred in dismissing the case for this reason, because appellant list in his complaint under "Legal Claims", §15-78-10 and §15-78-60(25) "Gross Negligence", which are "claims", upon which "relief" can be granted, In, "15-78-30(7) Loss"; in short... pain and suffering, mental anguish, and any other element of actual damages recoverable in actions for Negligence... Therefore, the

Claim of § 15-78-60(25) "Gross Negligence", listed in appellants complaint is a claim which relief may be granted, because § 15-78-30(7.) Defines Loss and mental anguish, elements of actual damages recoverable in actions for Negligence. The respondents owe the appellant a "Duty of Care", maintenance and proper treatment of his person and property pursuant to title § 24-1-130 and S.C. Const. Art. 12 § 2, as well, the "Policy Statement" for S.C.D.C.'s inmate disciplinary system states, "...The administration and application of the inmate disciplinary system will be completed in compliance with all applicable state and federal statutes, rules and regulations, and in a manner that ensures inmates are afforded adequate Due Process Protection..." "Being denied due process and maintenance and proper treatment of person and property, creates "Loss" and "mental anguish", elements of actual damages, recoverable in actions for Negligence", "It said, Lewis simply requires that in order to show actual injury plaintiffs must identify an actual right that has been violated," Lewis V. Casey, 518 U.S. 343, 116 S.Ct. 2174, therefore, with appellants Due Process Right being violated, and the respondents violating the "Duty of Care" they owe

to afford maintenance and proper treatment of person and property, appellant has suffered Loss, mental anguish and actual injury all elements of actual damages recoverable in actions for Negligence, thus, appellants legal claim of $\S 15-78-60(25)$ with the elements of Loss, mental anguish, actual injury and actual damages allow RELIEF to be sought and damages to be recovered," When deciding a motion to dismiss for Failure to state a claim, the question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for Relief," Plyer V. Burns, 373. SC. 637., 647. SE. 2d. 188 (2007.); Doe V. Marion, 373. SC. 390., 645. S.E. 2d. 245. (2007.); appellants complaint, claims and factual allegations must be construed as fact until adjudicated before a jury due to the fact that the evidence within the complaint supports, $\S 15-78-30(a)$ "Occurrence", which is an unfolding sequence of events which proximately flow from a single act of negligence,

~~that the plaintiff's claim is not barred by the doctrine of sovereign immunity~~
~~because the plaintiff's claim is not barred by the doctrine of sovereign immunity~~ "Gross Negligence-exception to sovereign immunity for loss resulting from licensing powers or functions

under Tort Claims Act is a mixed question
of Law and Fact and should be presented to
jury unless evidence supports only one reasonable
inference," Stauber V. City of Folly Beach, 331.
SC.192., 500. S.E. 2d. 160, therefore, with four
reasonable inferences of, Due Process Violation,
Fraud, Breach of Duty of Care and Gross Negligence,
Circuit Court Judge Thomas A. Russo, should in
all professional behavior, denied respondents
Motion To Dismiss and forwarded the case to
a Jury Trial for adjudication. Appellant has
proven within this memorandum how he has
been wronged by Circuit Court Judge Thomas A.
Russo, who biasedly applies law using unlawful
opinions. Appellant brought 9 pieces of undeniable
genuine issues of material fact to oppose the
Respondents Motion 12(c), SCRPC, but the Circuit
Court Judge Thomas A. Russo, continued to ignore
these facts by continued excerpts on appellant
not completing a exhaustion requirement no
matter how many times he was told by appellant
that SC. Tort Claims Act doesn't have a exhaustion
requirement and that A.P.A. § 1-23-310 doesn't
apply in SC. Tort Claims Act, see §§ 15-78-80(7).

Appellant can prove that the respondents have committed Gross Negligence, Fraud, Breach of Duty of Care and Due Process Violations given the chance to Appeal and Proceed IN Forma Pauperis. The Respondents cannot meet the initial burden of demonstrating the absence of a genuine issue of material fact and should never have been granted summary judgment when appellant had the genuine issues of material fact present at the hearing. "Summary Judgment should not be granted except where it is perfectly clear that no genuine issue of material fact exists and an inquiry into the facts is not desirable to clarify application of the law," Bates V. City of Columbia, 301 S.C. 326, 391 S.E. 2d. 733. (Ct. App. 1990). "In determining whether summary judgment is proper, this court must view ALL Evidence in light most favorable to the non-moving party." Adicks V. SH Kress and Co., 398 U.S. 144, 157, 160; Curry V. Scott, 249 F.3d. 493, 505; Bar V. City of Rock Hill, 500 S.E. 2d. 157, 158.

Application of Genuine Issues of Material Fact:

1) On 1-18-12 a Riot and Destruction of State Property occurred, subsequently appellant was charged for the above mentioned offenses. The original charges were dismissed for a "error in the reporting time".

On 8-3-12 appellant was fraudulently and erroneously recharged for the Riot and Destruction of State Property, see exhibit - C.

Fact: For a inmate to be recharged for any disciplinary offense previously dismissed, prison authorities must have new compelling reasons and the warden must request by written justification and submit this memorandum to the Division of Operations and wait for the approval and the inmate must have had a initial disciplinary hearing, see exhibit - SCDC #1.

Fact: Appellant never received a initial disciplinary hearing, the original offenses were dismissed which violated S.C.D.C.'s OP-22.14, 24.1; Rehearing, see exhibit - SCDC #1.

Fact: Appellant's new incident report doesn't indicate anywhere that the Supervisor referred the incident to mental health personnel when S.C.D.C.'s OP-22.14, 3.2; Review, states the referral must be documented on the 19-29A, Incident Report, see exhibit - SCDC #2.

Fact: No evidence or disposition of evidence is listed on the 19-29A Incident Report to even accuse or convict appellant, see exhibit - C.

Fact: No rehearing could be approved when the Division of Operations was never petitioned to by the warden violating OP-22.14, 24.1; Rehearing, See a example blank memorandum used to request a rehearing, exhibit - O.

Fact: Issues raised in appellants failed grievances and verified complaint are non-grievable and must be adjudicated by judicial review, see exhibit - SCDC #3.

Fact: Respondents attorney of record, Benjamin. Joyce, committed fraud at a production of documents hearing, stating the memorandum used to request the rehearing was highly sensitive and confidential information posing a significant security risk, see exhibit - No. 4, pgs 2 and 3.

Fact: The memorandum used to request the rehearing is not highly sensitive and confidential information posing significant security risk as Respondents attorney stated, see exhibit - MTN.

Fact: Respondents attorney is aware that the memorandum requesting a rehearing isn't restricted from appellant but is in fact given to all inmates at the Rehearing, see exhibit - MTN and exhibit - O. Respondents attorney knows that with the memorandum in appellants hands used as evidence, that appellant will be able to reveal the fraud S.C.D.C.'s officials have exacted against appellant, so he is willing to cojule, deceive and mislead the court system, see exhibit - 81.

Conclusion:

Appellant has been approved to proceed IN Forma Pauperis in his civil action, C/A No. 2013-CP-40-9077, therefore, to deny appellant his right to judicial review when he hasn't waived his indigent status will violate his rights to access to the courts and due process through the First and Fourteenth Amendments. Appellant again respectfully request that his indigent status be respected in light of the above stated facts and he be allowed to be reviewed by the Appellate Court and proceed IN Forma Pauperis.

SEP 09 2015

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24.1 "Rehearing."

Where exceptional circumstances are found to exist, the Division of Operations may order that a disciplinary case be reheard. This may be ordered if it is determined a disciplinary charge was dismissed, but compelling reasons exist for proceeding again with a rehearing of the disciplinary disciplinary offense. Compelling reasons may include, but are not limited to, situations in which evidence concerning a disciplinary offense is discovered after the disciplinary offense hearing has been conducted. IN such cases, the Division of Operations will indicate in writing the compelling reason(s) that require a rehearing of the disciplinary disciplinary offense. A Rehearing may not be ordered for which an inmate did not receive timely notice of charges or an initial disciplinary hearing in a timely manner unless authorized in writing by the Division of Operations. (Note: A request for a disciplinary re-hearing will include written justification by the Warden to the Division of Operations.)

24.4 "Time Limits."

A rehearing must occur within 21 calendar days from the date that the rehearing is ordered and signed by the Division of Operations. If a rehearing is ordered as a result of the inmate's appeal to the ALC, and the ALC specifies a time frame for the rehearing other than the established 21 days, the rehearing will be held in accordance with the ALC order. If no time limit is specified in the ALC order, then the rehearing will be held within 21 working days of the signed ALC order.

3.2 Review:

Exhibit - SCDC #2

"The supervisor will review SCDC Form 19-29A within 24 hours of the incident or date of discovery, unless there are exceptional circumstances for delaying this review, which must be approved by the Warden or Associate Warden. The review may include interviewing the reporting employee, other employee witnesses, the accused inmate, or the accused inmates witnesses. Upon review, the supervisor will make a determination whether to refer the inmate to the Major/Responsible Authority (Responsible Authority includes the Warden or Duty Warden, or for institutions with no Major assigned, the Captain) for disciplinary action. The supervisor will document his/her review in the space provided on SCDC Form 19-29A and will annotate the form in the proper block to indicate whether or not the incident was Security Threat Group (STG) or Drug Related. NOTE: If the inmate has a mental health issue noted in his/her MEDCLASS screen or is acting in such a manner that indicates a mental health concern, then a copy of the SCDC Form 19-29A must be forwarded to the mental health staff. This referral must be documented on the SCDC Form 19-29A. In these instances, a memorandum from the mental health care professional must be included as an attachment to SCDC Form 19-29A attesting to the inmate's mental status and accountability for his/her actions. Refer to SCDC Policy/Procedure HS-19.01, "Placement of Inmates in Mental Health Observation and Evaluation Status", for additional info.)

Inmate Grievance System.

SCDC Policy/Procedure: CA-01.12

Non-Grievable Issues:

8.4; Any issue outside of the control of the Department.

8.4.2; State and Federal laws and regulations.

Exhibit - SCDC^{#3}

Exhibit-C

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Page 1 of 1

Institution/Center: Lieber Correctional Institution				Date of Report: August 3, 2012	
Reporting Official (Full Name): Warden Wayne C. McCabe				Time of Report: Approx. 2:00 pm	
Employee ID #: 007644				Date of Incident: January 18, 2012	
Location of Incident: Ashley Unit				Time of Incident: Approx. 9:40 pm	
Inmate(s)/Resident: SCDC# Age Sex Race				Employee(s)/Witnesses Involved:	
1. See Below List				1. Cpl. Barry Robinson EMPL.# 018620	
2.				2. C/O Gary Sanchez EMPL.# 041324	
3.				3.	
4.				4.	
5.				5.	

On the above date and approximate time: I, Warden Wayne C. McCabe received the completed investigative report from

Investigator Merv Powell concerning the riot that occurred on January 18, 2012 at approx. 9:40 pm in the Ashley Unit of Lieber Correctional Institution. As a result of the investigative report the following inmates are being charged with (803) Riot / (803) Damage, Loss, Destruction, or Defacing of Property Valued at 100.00 or more

Raymond Stegall B/M #314083	Terry Jacobs B/M # 216156
Tarcel Holmes B/M #318396	Markies Collins B/M #327692
Jerman Barton B/M #338374	Ricardo Mobley B/M # 326592
Timothy Stroman B/M #265993	Tamel Davis B/M # 326984
Cody Pearson B/M #284231	Xavier McCoy B/M #234419
Henry Robinson B/M #292635	John Holloway W/M # 277261
Tio Rhodes B/M #293495	Ryan Grooms B/M # 335271
James Gibson B/M #326448	Jethro Marsh B/M # 310895
James Hankerson B/M #296743	Shanquan Burgess B/M # 314924
Shondell Terry B/M #311523	
Clifton Liewald W/M #319786	

Signature: *Wayne C. McCabe* Title: Warden
Evidence:
Disposition of Evidence:

Supervisor's Comments: *The above inmates are being charged as stated. Forward to DHO.*
Printed Name: *Capt. Fletcher McBride*
Signature: *F. McBride* Title: *Capt* Date/Time: *8/3/12 3pm*
Major/Responsible Authority:
Refer to DHO
All the above listed I/m's charged with with 803/12
Printed Name: *T. Nettles*
Signature: *T. Nettles* Title: *major* Date: *8/3/12*

INMATE COPY

STG Related - Refer to STG Committee
() Yes (X) No () Unknown
This incident is DRUG related
() Yes (X) No () Unknown

Responsible Authority
Action Taken 803
() Informal Resolution 820
() Administrative Resolution
(X) Refer to Disciplinary Hearing

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: <i>Major. Nettles</i>	TITLE: <i>Head of Security</i>	DATE: <i>4-11-15</i>
INMATE'S NAME: <i>John. Holloway</i>		SCDC #: <i>277261</i>
INSTITUTION: <i>Lieber.</i>		LIVING QUARTERS: <i>RHU-122A</i>
<i>Request; Under Policy/Procedure <u>OP-22.14; 24.1</u>, "Rehearing", it states, for a rehearing to be held the Warden must submit his request on a memorandum to the Division of Operations and wait for a <u>approval</u> from Dennis Patterson.</i> <i>The "<u>Memorandum</u>" isn't a restricted document that inmates are forbidden to have, we are given the "<u>Rehearing Memorandum</u>" at our disciplinary hearing to <u>sign</u> <u>and</u> <u>keep</u>.</i> RECEIVED APR 16 2015 MAJOR'S OFFICE LIEBER C.I.		
DISPOSITION BY STAFF MEMBER: Mr. Holloway, When you sign the Memorandum for a rehearing, you will receive a copy of the memo for your records. Thank you. <i>Exhibit - MTN</i>		
DATE: <i>4/16/15</i> <i>4/20/15</i>	SIGNATURE: <i>[Signature]</i> Major T. Nettles	

Exhibit-0

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Lieber
CORRECTIONAL INSTITUTION

MEMORANDUM

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JUL 15 2010

TO: Dennis R. Patterson, Division of Operations
FROM: Warden A/W Fred B. Thompson
RE: Disciplinary Hearing; Extension Reserve/Rehearing
DATE: [REDACTED]

OPERATIONS

I hereby request a hearing extension be granted on the following inmate:

Inmate's Name:
SCDC #:
Case #:
Offense:
Date of Infraction:
Date Graded:
Date Entered Into CRT:
21-Day Expiration Date:
Reason for Extension Request:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

FILED - RECORDED
2013 MAR -5 PM 4:40
CHERYL GIMARAY
CLERK OF COURT
DORCHESTER COUNTY

official notified [REDACTED] Reserve/Rehearing requested due to incorrect securing
on [REDACTED] after [REDACTED] was the actual person the had hands
notified Main Control of seeing an I/W in some 18.

Approval/Disapproval

S: [Signature]
Fred B. Thompson A/W, Warden

Approval/Disapproval

S: [Signature] 07/16/2010
Dennis R. Patterson
Division of Operations

I, Inmate [REDACTED], SCDC # [REDACTED]
have been notified of this hearing extension approval and I have received of a copy.

INMATE COPY

The State of South Carolina
County of Richland.

Court of Common Pleas
C/A No. 2013-CP-40-7077

John Holloway #277261

V.

South Carolina Dept
of Corrections.

Affidavit of
Information.

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Exhibit - 81

Comes now the Plaintiff, John Holloway, who duly swears under oath and penalty of perjury that the following is true and correct. Attached exhibit evidence, No. 4, pages 2 and 3, and exhibit evidence, MTN, do in fact show and prove that the defendants counsel, Mr. Ben Joyce has cojuled, deceived and misled this Court and Judge Newman, and Plaintiffs Motions should be granted due to Plaintiffs Good Faith effort to uncover the defendants counselors unjust tactics to delay discovery Request.

Sworn to and before me on
this 29th day of April, 2015.

My Commission Expires On;
Exp. Date: March 4, 2025.

S/ [Signature] S. Albre
Notary Public.

S/ [Signature]
John Holloway #277261
Lieber (MAX-122A)
P.O. Box. 205
Ridgeville, S.C. 29472
Plaintiff, Pro Se.

cc

ORDER: Plaintiff's Request is granted as follows: The Defendants are ordered to produce a transcribed copy of the Plaintiff's hearing to Plaintiff to the extent a transcribed copy of the hearing exists. If a transcribed copy of the hearing does not exist, the Defendants are ordered to provide an audio CD of the hearing to personnel at Lieber Correctional Institution so that a time can be scheduled for Plaintiff to listen to the hearing.

Motion for Production of Documents No. 3

Plaintiff seeks "[a]ll confidential informant testimonies, 'excluding their identities,' concerning the Riot and Destruction of State Property that took place in Ashley-A unit on January 18, 2012, for John Holloway #277261."

The Defendants objected to producing this information on the basis that it seeks highly sensitive and confidential information posing a significant security risk.

ORDER: Plaintiff's Request is granted as follows: The Defendants are to produce all confidential informant statements in their possession implicating Plaintiff and his involvement giving rise to the riot on January 18, 2012. The Defendants are entitled to redact any and all identifying information of any individuals other than Plaintiff included in these statements and any other information that should be redacted for security purposes.

Motion for Production of Documents No. 4

Plaintiff seeks "[a]ll Memorandums from the Warden, submitted for a Rehearing to the Division of Operations, RE: Dennis Patterson, for the Riot and Destruction of State Property that took place on January 18, 2012, for John Holloway #277261."

cw
299
Exhibit - No. 4

The Defendants objected to producing this information on the basis that it seeks highly sensitive and confidential information posing a significant security risk.

(ORDER: Plaintiff's Request is denied.)

Motion for Production of Documents No. 5

Plaintiff seeks "[a]ll Maintenance Reports during the months of July through September, 2012 for Ashley-A unit indicating the replacing of all door locking mechanisms."

The Defendants objected to producing this information on the basis that it seeks highly sensitive and confidential information posing a significant security risk.

ORDER: Plaintiff's Request is granted in part and denied in part as follows: The Defendants are ordered to produce responsive maintenance reports, if any, for Plaintiff's cell, cell #28, only. The Defendants do not have to produce maintenance reports for any other cell. The Defendants are entitled to redact any and all identifying information of any individuals other than Plaintiff included in the maintenance reports and any other information that should be redacted for security purposes.

Motion for Production of Documents No. 6

Plaintiff seeks "[a]ll Maintenance Reports during the months of January through September 2012 for Ashley-A unit indicating the damages to the cell door locking mechanisms and to which individual cell doors were damaged."

Exhibit - No. 4

cu
3/7

John
L.C.I. (EA-32)
P.O. Box. 205
Ridgeville, SC. 29472

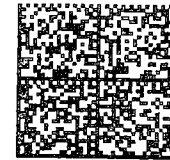
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SC. Court of Appeals
Jenny-Abbott. Kitchings, Clerk
P.O. Box. 11629
Columbia, SC. 29211

FIRST CLASS



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INSPECTED OR CENSORED THIS ITEM; THEREFORE,
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