

STATE OF SOUTH CAROLINA )  
COUNTY OF SALUDA )

IN THE COURT OF COMMON PLEAS

Case Number: \_\_\_\_\_

**RECEIVED**

SEP 04 2015

**SC Court of Appeals**

BILLY LEE LISENBY, JR., 200273, )  
Petitioner, )

vs. )

ORDER REGARDING FILING

BRYAN STIRLING, DIRECTOR, SOUTH )  
CAROLINA DEPARTMENT OF )  
CORRECTIONS, )

Respondent. )

2015 AUG 19 AM 11:49  
CLERK OF COURT  
SALUDA CO. S.C.

FILED

Mr. Billy Lee Lisenby, Jr., who is an inmate of the South Carolina Department of Corrections (SCDC), submitted a petition for a writ of habeas corpus to the Saluda County Clerk of Court, along with a request that he be allowed to proceed without payment of the filing fee and costs. Normally, a habeas corpus petition would be filed without payment of a filing fee. The court denies the application. There is no request to file using Cooper Trust Fund procedures & NO SUPPORTING FINANCIAL DATA. (WPK)

WPK  
#1

In this instance, the documents on their face raise only one claim: that SCDC has improperly calculated and applied good conduct credits. That issue is one that must be pursued through administrative channels, and it appears from a brief Internet search that Mr. Lisenby already obtained a ruling from the South Carolina Administrative Law Courts, which he attempted to appeal to the South Carolina Court of Appeals. The Court of Appeals refused to allow Mr. Lisenby to file *in forma pauperis*.

Mr. Lisenby also filed an action in federal court related to this issue. On April 9, 2015, the Honorable David C. Norton, District Judge for the District of South Carolina, issued an order adopting the report of the United States Magistrate Judge, finding that the

ATTEST: TRUE COPY

*David B. Johnson*  
Clerk of Court  
Saluda, S. C.

federal case should be dismissed, as well as finding that the action was frivolous and failed to state a plausible claim, so as to amount to a strike under 28 U.S.C. §1915(g).

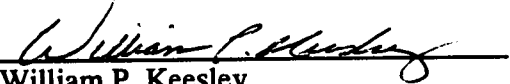
Mr. Lisenby's case has no connection at all to Saluda County. His underlying convictions did not arise in Saluda County. He has not been housed in Saluda County, and there are no SCDC facilities in Saluda County. Mr. Lisenby wrote to the Clerk of Court in an undated letter stating, "You can file an [sic] habeas corpus that is not challenging your conviction anywhere. I am not challenging my conviction, but yet my goodtime." This appears suspiciously like improper forum shopping. In any event, challenges to his good conduct credits are not cognizable in circuit court in this posture.

THEREFORE, IT IS ORDERED that the request to proceed by filing *in forma pauperis* in Saluda County, South Carolina is denied.

#2 IT IS FURTHER ORDERED that the Clerk of Court for Saluda County make a copy of the documents submitted by Mr. Lisenby for future reference and return the originals to him.

AND IT IS SO ORDERED.

August 17, 2015

  
William P. Keesley  
Chief Judge for Administrative Purposes