

(S)

STATE OF SOUTH CAROLINA

COUNTY OF *Clarendon*

Billy Lee Linsby JR; #200273

Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

vs.

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE

DATE 8/17/2015

Defendant Bonifay M. Roberts

CLERK OF COURT CLARENDON COUNTY, SC

Telephone #:

Fax #:

Other:

E-mail:

Submitted By: *Billy Linsby JR;*

Address:

Ridgeland C. I

P.O. Box 2039

Ridgeland S.C. 29926

2015 AUG 17 PM 12:02

DEULAN S. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filed and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. [X] NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), General (130), Breach of Contract (140), Fraud/Bad Faith (150), Failure to Deliver/Warranty (160), Employment Discrim (170), Employment (180), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20__-NI-__-__, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Assault/Battery (370), Sander/Libel (380), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Sexual Predator (510), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Pre-Suit Discovery (670)

Submitting Party Signature: *Billy Lee Linsby JR*

Date: *July 15, 2015*

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA,)
)
COUNTY OF Clarendon)
)
Billy Lee Lisenby JR;)
)
Plaintiff)

IN THE COURT OF COMMON PLEAS

_____ JUDICIAL CIRCUIT

RECEIVED

MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS SEP 04 2015

SC Court of Appeals

vs.)

South Carolina Dept. Director Michael McCall)
)
Defendant.)

FILE NO. 2015-CP-14-417

I, Billy Lee Lisenby JR; being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

BEULAH A. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC
2015 AUG 17 PM 12:02

Sworn to and Subscribed before me)
this 15th day of July, 2015)
Virginia Robinson)
Notary Public for South Carolina)
My Commission expires May 20, 2021)

Billy Lee Lisenby JR)
Signature of Plaintiff or)
Person Filing Complaint on Behalf of)
Plaintiff)

ORDER

- Leave is *granted* to proceed in forma pauperis without payment of the filing fee.
- Leave is *granted* to proceed in forma pauperis without payment of the service cost.
- Leave is *denied* to proceed in forma pauperis.

Dated: _____, 2 _____
_____, South Carolina
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

State of South Carolina
County of Clarendon

Billy Lee Lunsby JR; #200273
Plaintiff

vs.

South Carolina Department of
Corrections Deputy Director
Michael McCall
Defendant(s)

In The Court of Common Pleas

Summons

File NO. 2015 - CP- 14- 417

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SEP 04 2015

SC Court of Appeals

2015 AUG 17 PM12: 02

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC

To The Defendant Above-Named:

You are hereby summoned and required to answer the complaint herein, a copy of which is hereinafter served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address herein, within thirty (30) days after the service hereof, exclusive of the days of the service hereof. A copy of such service, and if you fail to answer the complaint, judgment by default will be entered against you for the relief demanded in the complaint.

Richard _____, South Carolina

Lee J. J.

Attorney For Plaintiff

Dated: July 15th 2015

Address: _____ x 2039

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE _____

Beulah G. Roberts

CLERK OF COURT
CLARENDON COUNTY, SC

LEGAL MAIL

State of South Carolina
County of Clarendon

Billy Lee Lisenby, JR; #200273
Plaintiff,

VERSUS

South Carolina Department of
Corrections Deputy Director
Michael McCall

Defendant(s)

In The Court of Common Pleas
Third Judicial Circuit

Case No.

Request For Declaratory Judgement

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SEP 04 2015

SC Court of Appeals

2015 AUG 17 PM 1:00

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY

The above Plaintiff now comes in good faith requesting that this court grant his request for Declaratory Judgement. This is a request based upon a form letter from Deputy Director for Operations Michael McCall. The subject of the letter states "Ending of Disciplinary Sanctions." It further states "Because of your clear disciplinary record, I have decided to end your sanctions and release you from those obligations."

Sanctions are as follows:

Loss of Privileges

Property

Canteen

Other

Disciplinary Detention

Reprimand

Extra Duty

Visit Suspension Thru

Cell Restriction

Loss of Good Time days

Restitution

All sanctions were restored or terminated in Plaintiff's favor except his reinstatement of goodtime. MRS. Gerald from MR. McCall's office stated to Carrie Nicole Kahan on at least (3) occasions that "plaintiff is suppose to get his goodtime back because it is a sanction." MRS. Gerald went further to say that Plaintiff's 700 days goodtime has already been reinstated dating back to August 2008.

Prior to giving plaintiff his sanctions back, in January 2015 all inmates were summoned to Lieber's gym area and advised that all disciplinary sanctions will end if they remain 30 days disciplinary free. Plaintiff plainly asked "does this mean disciplinary detention and goodtime?" He was told "yes." Based on this oral contract plaintiff remained disciplinary free for 30 days. All sanctions were ended except his goodtime.

If plaintiff's goodtime was to be reinstated he would be released today. The defendant's would owe him 700 days as follows:

Days
20 Poss. of Drugs 2-11-15
20 Poss. of Contraband 3-11-14
30 Poss. of Drugs 1-31-13
30 Disrespect 12-10-12
60 Poss. of a Weapon 10-19-12
20 Poss. of Cellphone 6-8-12
60 Threatening 2-24-12
60 Cellphone 2-4-12
30 Threatening 12-20-10
30 Refusing 12-19-10
30 Destroying Property 12-17-10
30 Use of Abuse 6-25-10
30 Forgery 6-22-10
20 Damage Property 5-31-10
150 A & B 7-30-09
60 Threatening 8-08
20 Unauthorized 8-10-10

700 days

Relief

For the above reasons Plaintiff ask that South Carolina Department of Corrections Deputy Director Michael McCall through injunction be directed to reinstate Plaintiff's 700 days goodtime, and then immediately release him from custody.

Dated: July 15th 2015

Billy Lee Jr.
Billy Lee Lively, JR, #200273
Ridgeland Corr. Inst.
P.O. Box 2039
Ridgeland S.C. 29936

Billy Lee Kirby Jr. # 200273
P.O. Box 2039
Ridgeland Cucc. Inst.
Ridgeland S.C. 29976

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South Carolina Supreme Court

**RIDGELAND CORRECTIONAL
INSTITUTION**

AUG 31 2015

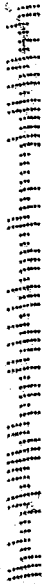
P.O. Box 11330

MAILROOM

Columbia, S.C. 29211

200273

LEGAL MAIL



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