

The State of South Carolina

In the Court of Appeal

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The City of Columbia, Respondent

NOV 09 2015

Court of Appeals

V.  
Haiyan Lin, Appellant

Appellate Case No. 2014-002545

Motion For Reconsideration

On Oct. 26, 2015, the appellant received the court order of Oct. 22, 2015, denying the appellant's Motion to Reinstate the Appeal. The appellant hereby make the objections that:

(a) The order is prejudice and discriminatory to the appellant as a pro se Asian Woman;

(b) The order Violates Federal Non-Discrimination Law;

(c) The order Violates the appellant's due process right of Appeal;

(d) The Order Violates 14th Amendment of US Constitution for Equal Protection

Under the Law;

(e) The order is unfair and unjust.

Therefore, the appellant moves to request this court to reconsider the order of Oct. 22, 2015. and to make a full panel review on the questions set out as follows:

(1). Shall a ProSe appellant deserve the court equal attentions for review the case file?

(2). Have the three judges who signed the order actually reviewed the case file by themselves diligently?

(3). What are the rules and procedures that judges shall follow for review an appellate case?

(4) Shall a fair and impartial order contains: (a) finding of facts; (b) reference of the case laws and rules; (c) specific opinions on the issues for the case; (d) conclusion of law for reaching the decisions on the case?

(5). Why the court denied the Motion to Reinstate without finding of the facts and proper legal reasonings on the issues, or without justifiable causes?

(6) Is it the unequal treatments to a pro se appellant of an Asian woman constitutes as discrimination against the appellant?

In the matter of facts, the order has ignored the all the facts in the record, and simply claims that "the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded". The order is clearly a product of prejudice and discrimination against the pro se appellant. It contains neither finding of facts, nor the reference of law. It is nothing more than a signed order prepared by the clerk of the appellate court. There is no opinion

given regarding principle of law on the issues of the appeal. Therefore, the decision of denying the Motion to Reinstate is ~~is~~ a biased decision. It deprives the appellant's due process right, and it violates the equal protection of law.

The record has clearly shown that the appellant filed the Amended Notice of Appeal on June 11, 2015. It forms a consolidated appeal under Appellate Case No. 2014-002545, according to the Court order of April 24, 2015. The letter for the transcript was sent on June 20, 2015. This letter was subsequently filed on June 23, 2015. It should have served as an answer to the Court's letter of June 23, 2015, concerning order of the transcript.

On June 29, 2015, the Court Administration informed the appellant that

another court reporter will contact her for the transcript, since Aminah Hardy is no longer employed by the court. On July 23, 2015, the appellant sent the payment to the court reporter, after receiving her letter on July 20, 2015. It is unfair and unjust that the clerk dismissed the appeal on July 22, 2015 for failing to respond the court's letter of June 23, 2015. It is unfair and unjust, since the appellant has respond the letter at the same date, June 23, 2015 with her letter to the court reporter of June 20, 2015.

On Oct. 26, 2015, the appellant has received the transcript for the case. Now she is in the position to prepare the Initial Brief and Designation of Matters on the appeal. to move the appeal forward.

Under Equal Protection of Law,

the appellant requests the justices to make finding of facts, to review the questions of law, to reinstate the appeal, and to protect the due process right of the appellant.

Nov. 5, 2015

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C.C. Patrick C. Sharpe, Esquire

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SC Court of Appeals

City of Columbia, Respondent

v.

Haiyan Lin, Appellant

Appellate Case No. 2014-002545

Certificate of Services

The appellant certifies that she has served the respondent the motion to Reconsider by US mail to

Patrick C. Sharpe

The City Attorney's Office

P.O. Box 667

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on Nov. 5, 2015

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