

# THE SOUTH CAROLINA COURT OF APPEALS

T. Terrell Bryan,

Appellant,

v.

SCDC

Respondent.

~~FILED~~

The Honorable John D. McLeod  
Richland County  
 Grievance No. No GR#  
ALC Docket No. 12-ALC-04-196-15  
Case Tracking #:

## NOTICE OF APPEAL

I, T. Terrell Bryan, appeal the order of the Honorable John D. McLeod, dated 5/11/12 attached. I received same on or about 5/19/12.

5/19/12  
dated

Without Prejudice,  
x. MMB  
T. Terrell Bryan  
# 25438, 028211, 021  
1012 Oaklawn Rd.  
Pelzer, SC 29969

SC Court of Appeals

JUN 14 2012

RECEIVED

## ***CHECKLIST***

When a civil rights case from a state, local or federal prisoner is received, the Office of the Clerk of Court shall determine whether the case is in proper form. The term "in proper form" means that the Clerk of Court has received:

- (1) A complaint with your original signature on the appropriate form or in a form substantially similar;
- (2) The full filing fee or an Application to Proceed without Prepayment of Fees and Affidavit (Form AO 240) requesting to proceed *in forma pauperis*;
- (3) A Financial Certificate form (from all prisoners except pre-trial detainees) completed by the plaintiff and by an officer or employee of the institution where the plaintiff is confined or of the prison system in which the plaintiff is confined;
- (4) A separate Form USM-285 for each defendant sued if the plaintiff is proceeding *in forma pauperis* (Note that the plaintiff **must** provide information sufficient to identify the defendant(s) on the Form(s) USM-285. The United States Marshal cannot serve a defendant that is not properly identified, and defendants that are not served may be dismissed as parties to a case.);
- (5) A separate summons form for each defendant sued **or** one summons listing all defendants and their addresses;

If you need additional space on any of the forms, you may submit additional pages. The plaintiff must use letter-sized paper [8 x 11 inch] and write or type text on one side of a sheet of paper only. Do not write or type on both sides of any sheet of paper. Do not write to the edge of the paper, but maintain one inch margins on the top, bottom and sides of each paper submitted.

***Note to Inmate:*** *If you are detained in a county jail, city jail, or local detention center, you do not have to submit the Financial Certificate. You **must** submit the Form AO 240.*

# THE SOUTH CAROLINA COURT OF APPEALS

T. Terrell Bryan,

Appellant,

v.

S-DC,

Respondent.

The Honorable John D. Mcleod  
Richland County  
Grievance No. No GR#  
ALC Docket No. 12-ALJ-04-194-IJ  
Case Tracking#:

SC Court of Appeals

JUN 14 2012

RECEIVED

## PROOF OF SERVICE

I hereby certify that I served a copy of: 1) Notice of Appeal, 2) (ALC) Notice of Appeal, 3) This, & 4) Motion to proceed in forma pauperis, on: A) Hon. John A. Mcleod; Adm. Law Court; Edgar A. Brown Bldg., ste. 224; 1205 Pendleton St.; Columbia, SC 29201, & B) Robert M. Peele, III; Deputy General Counsel; P.O. Box 21787; 4444 Broad River Rd.; Columbia, SC 29210-1787.

6/11/12, SC  
dated

Without Prejudice,  
x. MMB all rights reserved,  
T. Terrell Bryan  
#254638, R20211, PCI  
430 Oaklawn Rd.  
Pelzer, SC 29669

## OTHER COUNSEL OF RECORD:

Robert M. Peele, III  
Deputy General Counsel  
P.O. Box 21787  
4444 Broad River Rd.  
Columbia, SC 29210-1787

# UNITED STATES DISTRICT COURT

District of \_\_\_\_\_

Plaintiff

V.

Defendant

## APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

CASE NUMBER: \_\_\_\_\_

I, \_\_\_\_\_ declare that I am the (check appropriate box)

- petitioner/plaintiff/movant
- other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?  Yes  No (If "No," go to Part 2)

If "Yes," state the place of your incarceration \_\_\_\_\_

Are you employed at the institution? \_\_\_\_\_ Do you receive any payment from the institution? \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past **six** months' transactions.

2. Are you currently employed?  Yes  No
  - a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.
  - b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| a. Business, profession or other self-employment  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Rent payments, interest or dividends           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Disability or workers compensation payments    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Gifts or inheritances                          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

SC Court of Appeals

JUN 14 2012

RECEIVED

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

T. Terell Bryan, #254638, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )

Docket No. 12-ALJ-04-0196-IJ

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed, by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC).

Inmate attempts to appeal in a matter in which there has been no final decision issued. Inmate evidently has some issue with Sgt Cotter and Lt. Monroe about retaliation and also seeks return of property and seeks \$1,000,000.00 in damages. No copy of the Step 2 Grievance was filed with the Notice of Appeal. If he did appeal to the Step 2 level but failed to file a copy of the decision appealed from as required by SCALC Rule 59(C), the appeal may be dismissed for failure to follow the rules for appeals as provided by SCALC Rule 62. Thus dismissal may be upon failure to follow the rules or failure to exhaust administrative remedies.

A party who has **exhausted all administrative remedies within the agency** and who is aggrieved by a **final decision** in a contested case is entitled to review under this article and Article I. (Emphasis supplied).

S.C. Code Ann. § 1-23-380 (Supp. 2011).

Inmate failed to exhaust his administrative remedies and thus, this matter is not properly before this Court.

**THEREFORE, IT IS ORDERED** that the within appeal be and hereby is **DISMISSED, WITH PREJUDICE.**

Columbia, S.C.

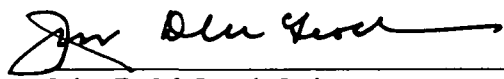
May 14, 2012

CERTIFICATE OF SERVICE

I, the undersigned, do hereby 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 thereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 14 day of May, 2012

By: Anthony R. Goldman  
Judicial Law Clerk



John D. McLeod, Judge  
S.C. Administrative Law Court

FILED

MAY 14 2012

SC ADMIN. LAW COURT