

**RECEIVED**

JAN 29 2016

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Case No. 15-ALJ-0567-AP; and 2016-000055

South Carolina Dep't of Corr. Linsky S. Phillip,  
Administrative Law Judge.....Respondent,

Vs.

Jose Alberto Maldonado, #312648.....Petitioner.

MOTION TO WITHDRAW WRIT OF MANDAMUS

Petitioner, in the above - captioned matter, hereby request to withdraw his writ of Mandamus from this Honorable Court of Appeals without prejudice for the following reasons.

Petitioner filed a "Notice of Intent to File Writ of Mandamus," "Summons," and "Writ of Mandamus." With a Certificate of Service on January 6th, 2016. After, petitioner received his "informal statement of Appellant." C/A#.2016-000055, see (Attachment 2, copies). To filed Notice of Appeal upon Rule 203 SCACR.

Petitioner states that he has prematurely filed his Writ of Mandamus. "Because no final Order has been rendered." In Case No. 15-ALJ-0567-AP.


The Indigent "Pro-se" Petitioner has since realized that he has inadvertently filed these documents within this Hon: Court and now wishes to withdraw the Writ of Mandamus and accompany-  
File: (Doc. 2 in SC App. Ct.)

ing documents to avoid any further confusion or unnecessary inconvenience to this Honorable Court. The Petitioner also see no prejudice to any party in withdrawing of this motion.

Whereas, Petitioner pray for this Honorable Court to withdraw the Motion For Writ of Mandamus and accompanying Documents. And Return this documents back to the Petitioner at the below listed address and C/A#.2016-000055 removed from its docket. However, the Clerk of Court don't maintains there's no evidence the motion of dismissal was received. In addition, she states the petition for writ of mandamus is receipt of my documents in the above entitled matter. And the clerk citing "a Rule 203 SCACR within 10 day of deadline to file my notice of Appeal?" Applicant was not received by her, the motion for writ of mandamus is documents until it was sent to her by this Court along with a "request for a return." See: e.g., Miller v. State, 377 S.C. 99, 659 S.E.2d 492, at 493 (S.C. 2008).

Respectfully Submitted

Done this 25<sup>th</sup> day of January, 2016.

  
Jose Alberto Maldonado, #312648  
Kershaw Corr. Inst. MB/Room #59  
4848 Goldmine Hwy  
Kershaw, South Carolina 29067

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Case(s) No. 15-ALJ-0567-AP; & 2016-000055

CERTIFICATE OF SERVICE

I, Jose Alberto Maldonado, a civil person presently incarcerated at Kershaw Correctional Institution ("SCDOC"). Do hereby affirm that:

Mr. Jose A. Maldonado, # 312648, the Petitioner in the above - captioned matter, hereby under oath and penalty perjury certify that I have served a MOTION TO WITHDRAW WRIT OF MANDAMUS. That, have being file upon the below listed parties on the same date. To:

JENNNY ABBOTT KITCHINGS  
CLERK  
POST OFFICE BOX 11629  
COLUMBIA, S.C. 29211

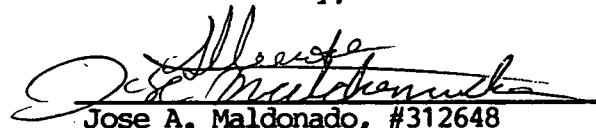
General Counsel David Tatarsky  
SC Dep't of Corrections  
P.O. Box 21787  
Columbia, S.C. 29221

Clerk's Office, SC Administrative  
Law Court The Hon: Lensky S. Phillip,  
Edward A. Brown Building, Suite 224  
1205 Penlenton Street,  
Columbia, S.C. 29201

SC Counsel of Records  
Office of Atty. Gen.  
Alan Wilson  
P.O. Box 11549  
Columbia, SC 29211

Further Petitioner said and Notarized  
This 25<sup>th</sup> day of January, 2016.

Sincerely,

  
Jose A. Maldonado, #312648

Kershaw Corr. Inst. MB/Rm., #59  
4848 Goldmine Highway  
Kershaw, South Carolina 29067

File: (Doc. 2 in SC App. Ct.)

SWORN TO and SUBSCRIBED Before Me

This 25<sup>th</sup> day of January, 2016

Carlisle A. Amos  
Notary PUBLIC for SOUTH CAROLINA

My Commission Expires: \_\_\_\_\_

December 22, 2018



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 13, 2016

Jose Alberto Maldonado, 312648  
Kershaw Correctional Institution  
4848 Gold Mine Hwy  
Kershaw SC 29069

Re: Jose Maldonado v. SCDC  
Appellate Case No. 2016-000055

Dear Mr. Maldonado:

This will acknowledge receipt of your documents in the above entitled matter. According to Rule 203 of the South Carolina Appellate Court Rules, a notice of appeal must include the name of the court from which the appeal is taken; the judge's name; the lower court docket number; the date of the order being appealed; a statement of when the appealing party received the decision from which the appeal is taken; the name of the appealing party; and the names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each. A copy of the order being challenged on appeal, a certificate of service showing the notice has been timely served on all respondents, and a filing fee of \$100.00 must accompany the notice of appeal.

**Within ten (10) days of the date of this letter, you must provide the Court with the following:**

**(1) A notice of appeal containing all information required in Rule 203, SCACR.**

- (2) The one-hundred dollar (\$100) filing fee.
- (3) Proof of service naming the documents served and showing you timely served all parties to the appeal.
- (4) A copy of the court order being challenged on appeal.

**Failure to provide the requested items will result in dismissal of your appeal.**

**Please be advised that the time limits for perfecting this appeal are not held in abeyance.**

If you intend to proceed with this appeal pro se, the fact that you are not an attorney does not relieve you of the responsibility to perfect your appeal in accordance with the South Carolina Appellate Court Rules. These rules are now available on the Internet at [www.sccourts.org](http://www.sccourts.org).

Very truly yours,

*V. Clair Allen, Deputy*

CLERK

cc: Christina Catoe Bigelow, Esquire

Jose Alberto Maldonado #312648  
Kershaw Corr. Inst. MB/Room 59  
4848 Gold Mine HWY  
Kershaw SC 29067

January 25th, 2016

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
Post Office Box 11629  
Columbia, South Carolina 29211

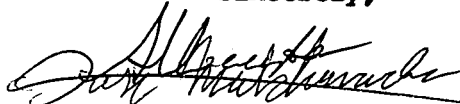
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Dear JANNY ABBOTT KITCHINGS, Clerk:

Please see the attached copy below this Motion To Withdraw Writ of Mandamus, received on Tuesday 19, 2016. Please do you return this documents include this file motion.

In reference to the above - captioned case. If this file cover up the Petitioner's motion to withdraw Writ of Mandamus, that you returned and sign it upon is clock - stamped. For filing in this Honorable Court.

Sincerely,



Jose Alberto Maldonado, #312648  
The Petitioner Pro - Se

File:(1) (Doc. 2 in SC App. Ct.)

Attachments(Page 1 & 2)

JAM/JAK Clerk

Cc: