

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

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MAR 30 2016

SC Court of Appeals

Docket No. 16-ALJ-0069-II

Timothy Dale Crockett, #200598,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

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 filed a Notice of Appeal with this Court concerning his visitors list. The Notice of Appeal does not contain a copy of a final decision of SCDC which is the subject of the appeal as required by ALC Rule 59(C).

By failing to obtain a final decision from SCDC, Inmate has failed to exhaust his administrative remedies and has thus failed to meet the requirements of the Administrative Procedures Act for review by this Court: "A party who has **exhausted all administrative remedies available within the agency** and who is aggrieved by a **final decision** in a contested case is entitled to judicial review pursuant to this article and Article I. § 1-23-380, S.C. Code of Laws, Annotated." (Emphasis supplied).

Thus, this matter is not properly before this Court. Therefore,

**IT IS ORDERED** that this appeal be and hereby is **DISMISSED, WITHOUT PREJUDICE.**

Deborah Brooks Durden, Judge  
S.C. Administrative Law Court

February 23, 2016  
Columbia, South Carolina

FILED

FEB 23 2016

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23rd February 2016  
R. E. Lab

Motions for Reconsideration  
are Prohibited.  
See ALC Rule 65.

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ADMINISTRATIVE LAW COURT

Timothy Dale Crockett, )  
SCDC #200598, )  
Appellant, )  
VS. )  
South Carolina Dept. of Corr., )  
Respondent. )

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16-ALJ-04-0069-IJ

**FILED**

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SC ADMIN. LAW COURT

APPELLANT'S MOTION TO ALTER/AMEND  
RECONSIDER ORDER OF DISMISSAL

COMES NOW, Timothy Dale Crockett, the pro se Appellant in the above-captioned matter, and respectfully moves pursuant to Rule 59(e), SCRCivP, requesting the Honorable Court to alter/amend/reconsider its order of dismissal dated February 23, 2016 dismissing Appellant's appeal in this case before the court.\*

For GOOD CAUSE in this Court granting Appellant's Motion to reconsider order of dismissal the Appellant would aver as follows:

1. This Court Sua Sponte dismissed without prejudice Appellant's appeal of the SCDC's decision to deny Appellant visitation with his 12-year-old son because, according to the Court, the Appellant "failed to exhaust his administrative remedies" as required by law..

2. The Court's decision is erroneous and an abuse of its discretion because the Court: (1) improperly raised an affirmative defense Sua Sponte and failed to give the pro se litigant a chance to respond; (2) failed to consider and/or take

\* Rule 68, ALCR, Admin. Law Court adopt Civil Rules

*J.C.*