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September 17, 2012

The Honorable Jenny Abbott Kitchings
Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Fred Gatewood, #289775 v. SCDC
Appellate Case No. 2012-212574

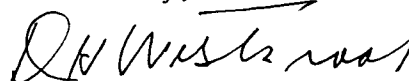
Dear Ms. Kitchings:

On August 6, 2012, Appellant Fred Gatewood filed his Motion to Suspend Briefing Schedule and related documents in the above appeal. The reason for the motion was to allow time for re-briefing of his grievance on the merits in the Administrative Law Court and likely re-appeal to the Court of Appeals. This process was anticipated in light of the ALC's Second Amended Order issued on July 26 ordering the parties to merits brief Gatewood's grievance.

In compliance with the Second Amended Order, on August 24 Gatewood filed his merits brief in the ALC. On September 5, the ALC Clerk of Court returned the brief to me instead of filing it, stating the matter is no longer pending in that Court but is on appeal in the Court of Appeals.

Therefore, because ALC re-briefing and re-appeal to the Court of Appeals will not occur at this time, there is no reason to suspend the briefing schedule for this appeal. As a result, Gatewood respectfully requests that the motion to suspend filed on August 6 be withdrawn and that briefing proceed as deemed appropriate by the Court. For the Court's information, out of caution Gatewood filed his initial brief on August 17.

Sincerely,


Douglas H. Westbrook

DHW/
cc: Lake Summers, Esq.
Katherine Phillips, Esq.
Fred Gatewood

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SC Court of Appeals