

79688

THE STATE OF SOUTH CAROLINA
In The Court of Appeal
in The Supreme Court

RECEIVED

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

MAY 26 2016

SC Court of Appeals

j.Cordell Maddox, Jr.

Case No.2015-cp-37-00675

DAN TEMPLE JR, _____ APPELLANT

v.

Oconee County Sheriff,s Department--RESPONDENT,

NOTICE OF APPEAL

Dan Temple Jr.appeal the order judgment of the
HONORABLE J.CORDELL MADDOX,Jr date 4/28/16.

5/22/16.
Dan Temple JR

s

Dan Temple jr
809 calvary cir
P.O.Box 372,
Fultondale Al 35068

Clerkof Court Office
Calhoun State Office Building,
1220 Senate Street,
COLUMBIA S.C29211.

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE.)

PROOF OF SERVICE.

THE UNDERSIGNED HEREBY CERTIFIES THAT A TRUE COPY OF THE ATTACHED MATTER HAS BEEN SERVED UPON THE PARTIES LISTED BELOW, BY MAILING (1) One copy in an envelope properly addressed to each party, with U.S. Postage prepaid this 10 DAY OF MAY 2016. SUCH Matter being Petitioned for Notion of appeal.

CC: Clerk of Courts

s Don Temple JR

BEVERLY H, WHITFIELD
OCONEE COUNTY
P.O BOX 678
walhalla, south CAROLINA 29691

CC: DOYLE TATE & Mc DADE, P.A.
ATTORNEY AT LAW
P.O. BOX 2125
Anderson South Carolina 29622.

CC: SOUTH CAROLINA COURT ADMINISTRATION.

cc Clerk of S.C. Court appeal.



Acknowledgment by Individual

State of South Carolina County of Oconee

On this 10th day of May, 2016 before me, Kelley O'Malley
Name of Notary Public

the undersigned Notary Public, personally appeared
Dan Temple

Name of Signer(s)

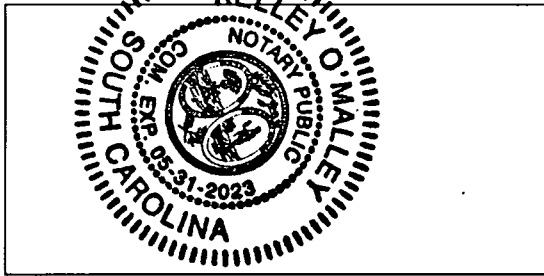
Proved to me on the oath of _____

Personally known to me

Proved to me on the basis of satisfactory evidence Alabama Driver's License 9543813 04/18/20
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

Kelley O'Malley
(Signature of Notary Public)

My commission expires May 31st, 2023

Optional: A thumbprint is only needed if state statutes require a thumbprint.

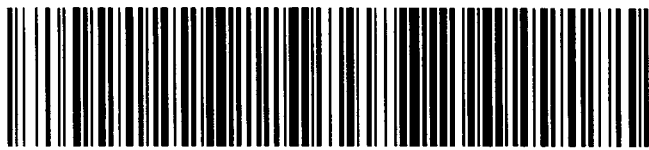
Right Thumbprint of Signer
Top of thumb here.

Description of Attached Document

Type or Title of Document
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Document Date May 10th, 2016 Number of Pages 1

Signer(s) Other Than Named Above
Dan Temple JR



F001-00000DSG5350-01

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MAY 26 2016

1\$ CP 37 0675.

STATE OF SOUTH CAROLINA

SC Court of Appeals

COMMON PLEAS CASE NUMBER

COUNTY OF OCONEE

MAGISTRATE CIVIL CASE NUMBER

DAN TEMPLE JR.

APPELLANT(S)

IN THE COURT OF COMMON PLEAS

VS.

NOTICE OF CIVIL APPEAL

OCONEE COUNTY SHERIFFS DEPART

MENT,

RESPONDENT(S)

The plaintiff/defendant (circle one), ~~DAN TEMPLE JR.~~ hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of OCONEE.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 4 day of 14, 2016.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

The judge should have recurred himself from this case. because he had personal interest by his pass action in 2005, by fail to make the sheriffs department turn over evidence, to plaintiffs in 2005. Conon (3) A judge shall perform a duty of judicial office impartially and diligently, The had a personal relationship inside sheriffs department by order, but fail to enforce the order in 2005. but the judge fail to not carry out his own Order, violation Conon law a judge shall uphold the integrity and independence. of Judiciary, Rule 60 Relief from judgment or Order. (a) (b) 1-4.

Dated:

5/16/16

Dan Temple JR
Appellant (or his attorney)
Pro, Se.

NOTION OF RECUSE
UNDER THE CODE OF ETHIC
JUDGE CORDELL MADDOX JR.

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MAY 26 2016

SC Court of Appeals

THE PLAINTIFF WAS TARGETED IN THIS MATTER BY THE SHERIFFS DEPARTMENT, THE SOLICITORS OFFICE MADE STATEMENT ABOUT THE TEMPLE FAMILY. SHE STATED WE HAVE CELL FOR ALL THE TEMPLE FAMILY. THE JUDGE HAD A PERSONAL PREJUDICE IN HE ACTION CONCERN THIS CASE. TO NOT ALLOW A DISCOVERY IN THIS CASE GO BACK TO 2005. THE JUDGE HAD A PASS HISTORY AND KNOWLEDG OF THE SHERIFFS DEPARTMENT HAD FAIL TO CARRIE OUT HIS ORDER, IN 2005, TO TURN OVER EVIDENCE TO THE PLAINTIFFS SUMMARY JUDGEMENT IS NOT APPROPRIATE UNTIL AFTER TO MOVEANT HAS HAD SUFFICIENT OPPORTUNITY FOR A DISCOVERY 56-28 ets . GILBERT V. PENN WHELLING CLOSURE CORP. 917 F, SUPP. 1119 (1996).

THE STANDARDS UNDER WHICH WE GRANT OR DENY SUMMARY JUDGEMENT DON'T CHARGE BECAUSE CROSS THE MENTION ARE FILE, SEE U.S. V HALL, 730 F.SUPP. 646 (1990). UNDER 16-17-40 CONSPIRACY THE COMMON LAW KNOWN AS CONSPIRACY IS DEFINED AS COMBINATION BETWEEN TWO OR MORE PERSON FOR THE PURPOSE OF ACCOMPLISHING AN UNLAWFUL ACT, OBJECT THE PLAINTIFF UNDER 42 USCA 1985, 1986 CIVIL RIGHT CONSPIRACY CLAIMS §(1985) (3). PROVIDES FOR DAMAGE LIABILITY FOR ANYONE. WHO HAVING KNOWLEDGE THAT A §.1985 CONSPIRACY IS ABOUT TO BE COMMITTED DOES NOTING ABOUT IT.

THE JUDGE FAIL TO GIVE PLAINTIFF EQUAL PROTECTION OF THE LAW IN THE UNIFIED JUDICIAL SYSTEM OF SOUTH CAROLINA. ACCORDINGLY JUDICIAL IMMUNITY IS NOT OVERCOME BY ALLEGATION OF BAD FAITH OR MALICE. THE EXISTENCE OF WHICH ORDINARILY CANNOT BE RESOLVED WITHOUT ENGAGING IN DISCOVERY AND EVENTUAL TRIAL. PIERSON V RAY, FIRST A JUDGE IS NOT IMMUNE FROM LIABILITY FOR NONE JUDICIAL ACTION FORRESTER V. WHITE AND STUMP V. SPARKMAN, 435 U.S. at 360, 988 ct at 1106.

THIS CASE RAISED A QUESTION OF INTERPRETATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION,

JUDGE CORDELL IN RESPECT THIS CASE CAME BEFORE MY SON YOUR OFFICE HAS A CONFLICT OF INTEREST TO THE TEMPLE FAMILY.

S. Dan Temple Jr
Pro Se. 5/16/16

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

IN THE COURT OF COMMON PLEAS
10th JUDICIAL CIRCUIT

CASE NO.: 2015-CP- 37 00675

DAN TEMPLE JR.)

Plaintiff,)

vs.)

OCONEE COUNTY SHERIFFS)

Defendant.)

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

RECEIVED

DEPARTMENT,

MAY 20 2015

Plaintiff's Attorney:

_____, Bar No. _____

Address: _____

Phone: _____ Fax _____

E-mail: _____ Other: _____

Defendant's Attorney:

_____, Bar No. _____

Address: _____

Phone: _____ Fax _____

E-mail: _____ Other: _____

SC Court of Appeals

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____ Court Reporter Needed: YES NO

SECTION II: Motion/Order Type

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Dan Temple
Signature of Attorney for Plaintiff / Defendant

5/22/15
Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$ 100.00 file fee

- EXEMPT: (check reason)
 - Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRCP)
 - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: _____
- Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.

Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

MOTION FEE COLLECTED: \$ _____

CONTESTED - AMOUNT DUE: \$ _____