

The Supreme Court of S.C.

Date 6-27-2016

Clerk of Court

Daniel E. Shearouse

P. O. Box 11330

Columbia, S.C. 29211

RE: to D. GARRISON HILL, JUDGE, ORDERED AND ADJUDGED:

on may 6, 2013, I hereby direct the clerk of court to file mandamus in the above case and collect the filing fee in accordance with S.C. Code Ann(24-27-100) et seq, and file by the pichens clerk of court on may 8, 2013. State V. Robert E. Dillard #220045, 2013-CP-39-0128. That never been Rule on by the South Carolina Supreme Court, OR South Carolina court of Appeals, ~~Order~~ ^{Never Issued} Order of Dismissal in the above-captioned case.

Dear Clerk Shearouse:

Here Karen C. Ratigan, acknowledgement, that Judge Robin B. Stilwell, was not the original judge, in the case, clearly showed that she knowingly proffered proposed order of dismissal of the mandamus on 2-13-2015, that clearly stated by Judge Stilwell, in his letter date February 19, 2015, please know that I do not have authority to override the order of another circuit court judge, should you wish for his order to be reconsidered, you should make a motion for him, however, I never made a motion to have Judge Hill's order dismissed (order sign by Judge Stilwell on 2-13-2015, of Rule 60 of the circuit court Rules. did not have the power to set aside the order of his predecessor).

Karen C. Ratigan egs.

RECEIVED

JUN 30 2016

S.C. SUPREME COURT

Robert E. Dillard #220045

deny correctional inst

430 Ostrawn Road

C418/209

pelzer, S.C. 29669

(4) & (5) 863 section 455 does not, on its own, authorize the reopening of closed litigation. However, as respondent and the court of appeals recognized, Federal Rules of Civil Procedure 60 (b) provides a procedure whereby, in appropriate cases, a party may be relieved of a final Judgment, in particular, Rule (b) (6), upon which respondent relies, grant federal courts broad authority to relieve a party from a final Judgment "upon such terms as are just," provided that the motion is made within a reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b) (1) through (b) (5). "The Rule does not particularize the factors that 864 justify relief, but [LWE] have previously noted that it provides courts with authority "adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice" *Klapprott V. United States*, 335 U.S. 601, 614-615, 69 S. Ct. 384, 390, 93 L. Ed 266 (1949) while also cautioning that it should only be applied in extraordinary circumstances," *2205 Ackermann V. United States*, 340 U.S. 193, 71 S. Ct. 209, 95 L. Ed 207 (1950). Rules 60 (b) (6) relief is accordingly never categorically available nor categorically unavailable for all (455 C) violations. [LWE] conclude that in determining whether a Judgment should be vacated for a violation of (455 C), it is appropriate to consider the risk of injustice to the parties in the particular case, the risk of undermining the public's confidence in the judicial process. [LWE] must continuously bear in mind that to perform its high function in the best way justice must satisfy the appearance of justice," in *Remurchison*, 349 U.S. 133, 136. 75 S. Ct. 623, 625 99 L. Ed 942 (1955) (citation omitted).

"Rule 59(b) SCRCR, provide in part: construed.

[WE] find the motion was "made" when it was placed in the mail for service on opposing counsel. *Curtis V. Blake*, 381 S.C. 189, 191, 672 S.E.2d 576, 577 (2009)

Alter or Amend

Mon, L.L.C. V. Town of Mt Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000). *Vinson V. Jackson*, 377 S.C. 166, 452 S.E.2d 16, 18 (Ct App. 1994). Reversed, 327 S.C. 290, 491 S.E.2d 249, 250 (1997).

60 (b)

Appeal

"[M]otion for relief under Rule 60(b) are addressed to the discretion of the court and Appellate review is limited to determining whether the trial court abused its discretion," *Saro V. Ocean Holiday Partnership*, 314 S.C. 116, 441 S.E.2d 835, 840 (Ct App. 1994)

PROOF OF SERVICE

I, Robert Earl Dilland #220045, do hereby certify that I served a true copy of the letter by placing same in the U.S. mail postage prepaid on this 27th day of June 2016 and address to: Karen C. Rortigan, Assistant Attorney General, P.O. BOX 11549 Columbia, S.C. 29211-1549, The Supreme Court of S.C. Clerk of Court Daniel E. Shearouse P.O. BOX 11330 Columbia, S.C. 29211.

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P.C.I. MAILROOM