

Brian Diggs #248964
Broad River Corr. Inst. Mu. 260
4460 Broad River Rd.
Columbia, SC 29210

July 18, 2016

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S.C. SUPREME COURT

The Supreme Court of South Carolina
Chief Justice Costa M. Pleicones
Daniel E. Shearouse, Clerk of Court.
P.O. Box 11330, Cola, S.C. 29211

Re: Diggs v. State App Case No. 2016-000666
Motion to whole Appeal in abeyance

Dear Chief Justice Pleicones:

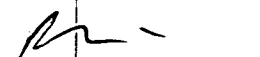
I would like to submit ~~a~~ this informal request to whole my appeal in abeyance in light of the lower courts decision to vacate his order restricting my future filings. ~~signed~~

In support of this request, I would like to bring to your attention that on May 31, 2016 I was called to a hearing in Lancaster County before Chief Administrative Judge Brian M. Gibbons Sixth Judicial Circuit. This hearing was called to address a request I made to him to reconsider his final order and provide me a reasonable opportunity to respond to the state. On record, Judge Gibbons vacated his order

(to restrict future filings) and I submitted to him my pleading which were a response and objection to the state's conditional order for dismissal. He said that he would provide a response in a reasonable amount of time. In conjunction, he allowed me to submit my motion for resentencing pursuant to Fiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014) to the Clerk of General Session (Clerk of Court).

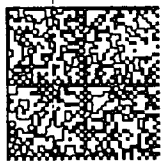
Please make note that this hearing was called ~~after~~ after I filed my notice of Appeal to his final order and after the deadline for motions of reconsiderations Rule 59 E Civil Procedures had ~~elapsed~~ elapsed. Nevertheless, I make this request seeking that this court hold my appeal in abeyance to avoid any economic burden on the court and to streamline and make this process more efficient with this. Alternatively, if it pleases the court, I ask that this case be remitted back to the lower court until ~~the~~ he (Judge Gibbons) makes his final order. I have high regard for the time and resources spent in handling these matters and I look not to waste any of them. Based on this I ask this court to hold this matter in abeyance or remit it back to the lower court so that Judge Gibbons can issue a new order.

With best regards


Brian Dyson

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