

Case # 2016-000562

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY, SOUTH CAROLINA  
COURT OF COMMON PLEAS

HON R. SCOTT SPROUSE, CIRCUIT JUDGE

Case # 2014-CP-04-01780

NANCY C. PEREZ

Petitioner

Vs

SOUTH CAROLINA  
DEPARTMENT OF LABOR, LICENSING AND REGULATION –  
BOARD OF NURSING

Respondent

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SC Court of Appeals

**MOTION FOR REHEARING**

Appellant seeks a rehearing . As grounds therefore she shows:

- 1- By order dated July 29<sup>th</sup>, 2016 the Court of Appeals threatened to dismiss the Appeal if Ms Perez does not order the court reporter's transcript.
- 2- Ms Perez believes that the referenced order violates the "class of one" doctrine identified by the US Supreme Court in Village of Willowbrook v. Olech, 528 US 562 (2000) and respectfully but adamantly objects.
- 3- Ms. Perez is a Hispanic surnamed female proceeding pro se. It is a well known fact that judges treat pro se litigants disdainfully<sup>1</sup>.
- 4- Ms Perez filed a motion on May 11<sup>th</sup>, 2016 objecting to having to order the court reporter's transcript. **The Motion was unopposed.** Ms. Perez understands that the court of appeals is not supposed to act like it is the defendants' counsel. That it is supposed to adjudicate impartially and without bias .
- 5- The Court of Appeals did not identify a lawful reason for choosing to dismiss the appeal instead of applying Rule 210(h) , SCACR, to wit "the appellate court will not consider any fact which does not appear in the Record on Appeal".
- 6- Secondly, The Court of Appeals did not identify a lawful reason for concluding that , Rule 209 (b) and (c) , SCACR which provides that "A

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<sup>1</sup> Illiberal Construction of Pro Se Pleadings , 159 University of Pennsylvania Law Review 585 , 597 (2011) by Rory K Schneider, Esq.

*party shall not include any matter in his Designation which is not relevant to the appeal.*” does not apply to Ms. Perez.

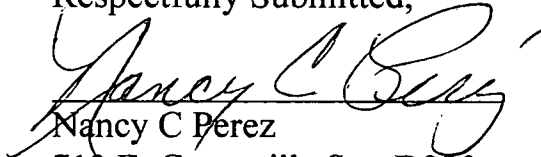
- 7- The Court of Appeals did not identify a lawful reason for ignoring its own precedent , to wit : “The only matter which should not appear in the record are those items a party believes to be "not relevant to the appeal.”<sup>2</sup>.

Obviously , the court of appeals considers that Ms. Perez is not a party to this appeal and she strenuously objects.

- 8- Ms. Perez, adamantly, but respectfully objects to the blatantly discriminatory July 29<sup>th</sup>, 2016 order.

Wherefore, Ms. Perez respectfully requests that the July 29<sup>th</sup>, 2016 order be vacated. Or, in the alternative, that valid reasons be identified for not applying the SC Rules of Appellate Procedure to Ms. Perez.

Respectfully Submitted,



Nancy C Perez  
713 E. Greenville St – D220  
Anderson, SC 29621  
281-746-4948

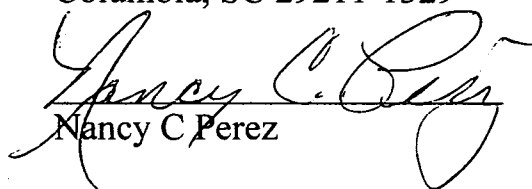
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<sup>2</sup> *Forner v. Butler*, 319 S.C. 275, 460 S.E.2d 425 FN1 (S.C.App. 07/24/1995)

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing " Motion for rehearing "was delivered by mailing a copy thereof on August 9<sup>th</sup>, 2016 to :

Donnell G. Jennings , Esq  
South Carolina Department of Labor , Licensing  
And Regulation  
P O Box 11329  
Columbia, SC 29211-1329

  
Nancy C Perez

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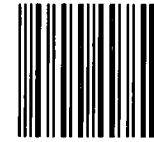
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**Ms Jenny Abbott Kitchings**  
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**South Carolina Court of Appeals**  
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