

The Supreme Court of South Carolina

Brian A. Diggs, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000666

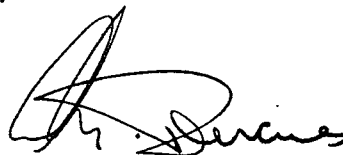
Lower Court Case No. 2015-CP-29-01434

ORDER

Petitioner has filed a Notice of Appeal from an order of Judge Gibbons, before whom petitioner's application for post-conviction relief (PCR) is pending, restricting future filings by petitioner. According to petitioner, Judge Gibbons granted petitioner's motion for reconsideration, vacated his order restricting future filings, and permitted petitioner to file a response to the conditional order of dismissal issued in petitioner's PCR action.

Petitioner has filed a request to hold this matter in abeyance pending a final order by Judge Gibbons. In the alternative, he asks that the Court remand this matter to Judge Gibbons to issue a final order. The State asserts this matter is not ripe for review as a final order has yet to be issued by Judge Gibbons in this matter.

Because a final order has not been issued, the Notice of Appeal is dismissed without prejudice to petitioner's right to file a Notice of Appeal from the final order in this matter. Rule 243(a), SCACR (a *final decision* entered under the PCR Act shall be reviewed by the Supreme Court).



C.J.

FOR THE COURT

Columbia, South Carolina

August 11, 2016

cc: Robert Michael Dudek, Esquire
James Rutledge Johnson, Esquire
The Honorable Jeff L. Hammond
Brian A. Diggs #248964