

STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

Civil Action No. 13-CP-40-0301

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SEP 20 2016
SC Court of Appeals

Basil W. Akbar, #065498

Appellant,

v.

South Carolina Department of Corrections, et al.

Respondent.

APPELLANT'S SUPPLEMENTAL OBJECTION TO RESPONDENT'S OBJECTION
TO APPELLANT'S PETITION FOR REHEARING AND REHEARING EN BANC;
AND ATTESTATION IN SUPPORT OF APPELLANT'S OBJECTION


Pursuant to Rule 240, SCACR, the Court may exercise its legal/judicial discretion based on what is fair under the circumstances, and guided by the rules and principles of law; or the Court's power to act or not act when a litigant is not entitled to demand the act as a matter of right; and establishing that there is good cause that particular circumstances that justifies the lateness, and proceed as if the petition were filed in a timely manner, and allow for evidentiary hearing to resolve matter.

Furthermore, the lower court oversights the Appellant's argument that the Respondent stands in gross default, thus, a complete bar of their affirmative defense. Therefore Respondent cannot technically petition for dismissal, or summary judgement, because it cut short the right to legal dispute, _____ v _____, 303 A 2d 139. If this honorable Court knowing refuse to acknowledge said issue outlined throughout the Appellant's pleadings from the inception would further deny him Equal Protection of the Law. Because the Respondent cannot conjure a sound showing for a meritorious defense addressing the substance...or essentials of this case, therefore the Respondent's brought a dilatory defense, merely technical objections avoiding addressing merits/genuine claims at issue seeking to smother the truth.

WHEREFORE, the Appellant respectfully request that this honorable Court

deny the Respondent's Motion to Strike. SEE Exhibit #1.

Date: September 14, 2016


Basil W. Akbar, #065498, Pro Se
Lee County Institution

ATTESTATION

I, Basil W. Akbar, under the penalty of perjury, certify that the information given by me in this statement is true and correct, submits as follows:

1. The Appellant is a state prisoner incarcerated at the Lee County Institution (Lee CI), of the South Carolina Department of Corrections (SCDC), subject to the Respondent's control movement, that the enforcement of same, delays, impedes, and restricted him from research, preparing and presenting pleadings to the Court.

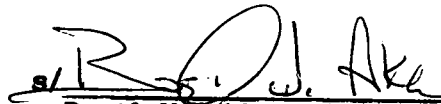
2. The Appellant has not had adequate access to Law Library, and access to the one working typewriter...one hour or less per week...or Law Library simply would not open as scheduled, and limited space.

3. Pursuant to SCDC's Policy #GA-01.03, "documents originated, written, typed by inmate litigant will not be duplicated/photocopied."

4. MOREOVER, the Respondent are severely short on staff to supervise and oversee all its prisoners...and it is well known to public knowledge that Lee CI, and many other SCDC's prisons have frequent lock-down due to staff-shortage; and violent occurrence during periods in question.

WHEREFORE, the Appellant respectfully request that this Court deny Respondent's Motion; enter default judgement against Respondent pursuant to Rule 55(e) SCRCPP; and order evidentiary hearing/grant Appellant just relief sought.

Date: September 14, 2016


Basil W. Akbar, #065498, Pro Se
Lee County Institution

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Basil W. Akbar, Pro Se, hereby certify that a copy of Appellant's Supplemental Objection to Respondent's Objection to Appellant's Petition for Rehearing and Rehearing En Banc; and Attestation in Support of Appellant's Objection, was served by the United States Postal Service at: Daniel R. Settana, Jr. Attorney at Law, Post Office Box 7217, Columbia, SC. 29202;
SEE attached Exhibit #1.

Date: September 14, 2016

s/ Basil W. Akbar
Basil W. Akbar, #065498, Pro Se
Lee County Institution
990 Wisacky Highway
Bishopville, SC 29010

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Basil W. Akbar, 065498) Docket No.10-ALJ-04-1104-IJ
Appellant,) (Grievance No. LCI-1598-10)
)
Vs.) MOTION IN LIMINE TO ESTABLISH
South Carolina Department) FACTS, OR IN THE ALTERNATIVE
Of Corrections,) FOR A STAY
Respondent,)

TO: THE HONORABLE DEBORAH B. DURDEN:

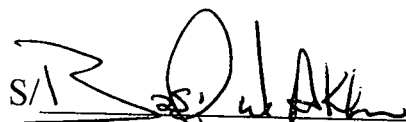
The Appellant **Pro Se**, hereby moves that this Honorable Court issue it's Order in Limine prohibiting the Respondent from filing any pleadings on the basis that the Respondent has not responded to discovery... and is in gross default. In support of this Motion the Appellant would show:

1. On February 17, 2011, Appellant served upon the Respondent Interrogatories and Request for Production of Documents.
2. The Respondents has not filed any objections, nor any answer to the Interrogatories or Request for Production as required by S.C.R. Civ. Proc., Rules 33 and 34.
3. The Appellant's case involves Grievance Number *LCI-1598-10, and unprocessed Grievances [*LCI-2323-09; *LCI-0813-10; *LCI-1270-10].
4. As a result of Respondent's failure to produce Financial Records, and copy of their policies and regulations used to administrate the Work Release Program... Appellant is unable to adequately prosecute his complaint, and is greatly prejudiced.
5. The Appellant request that the Court enter its Order under Rule 37, designating that facts set fourth in the Appellant's pleadings be established for the purposes of his action in accordance with the claim of this case, and
6. That is Court issue its order **striking** the answer/motion to dismiss of the Respondent, and grant the relief sought by the Appellant.
7. In the alternative, should any of the above be denied, Appellant respectfully moves this Honorable Court to issue its Order Compelling the Respondent to appropriately respond to discovery, and to furnish any and all... Financial Records relating to Appellant's (1979-1981) Work Release Long Term Saving Account... and all promulgated Policies and regulations used to administer Work Release program... and **staying** further pleadings until the Order is obeyed,

and approving that upon failure to comply with the Order in a timely fashion, that the Respondent reply shall be stricken, and that the Appellant be granted the Relief sought in the amount of two hundred and fifty thousand (\$250,000.00) dollars.

WHEREFORE, Appellant hereby makes this Motion as set forth above, and based upon SCRCIV. Proc., Rule 33,34 and 37.

Bishopville, S.C.
Date March 16, 2011

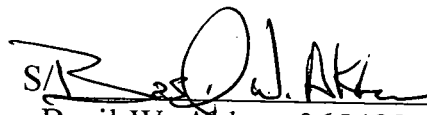

S/A Basil W. Akbar
Basil W. Akbar, 065498
Lee County Corr. Inst.
990 Wisacky Hwy Ric. C-119
Bishopville, S.C. 29010

CERTIFICATE OF SERVICE

I, Basil W. Akbar, hereby certify that copy of, Appellant Notice of Motion, and Motion to Compel; Notice of Motion and Motion for Status Conference; and Motion in Limine to Establish Facts, or In the Alternative for a Stay, has been served on the Respondent by depositing copy of the same into the United States Postal Service at:

Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Columbia, S.C. 29221

Bishopville, S.C.
Date: March 16, 2011


S/A Basil W. Akbar
Basil W. Akbar, 065498
Lee County Corr. Inst.
990 Wisacky Hwy, Rich-C119
Bishopville, S.C. 29010

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Basil W. Akers #065498, F-6B 2213
Lee County Institution
990 W. Sack Highway
Bishopville, S.C. 29010

ENTER-DEPARTMENT MAIL SYSTEM

THE HONORABLE JENNY ABBOTT KITCHINGS, CLERK
SOUTH CAROLINA COURT OF APPEALS
1015 SUMNER STREET
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

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