

OFFICE OF
CLERK OF COURT
DAVID HAMILTON
PO BOX 649
YORK, SOUTH CAROLINA 29745
(803)684-8507

TO: Akeem Alim-Nafis Abdullah Malik
FROM: DAVID HAMILTON, YORK COUNTY CLERK OF COURT
RE: Summons Rule to Show Cause etc

The above referenced document is being returned for the following reason(s):

1. Requires address, phone number and work number if filing Pro Se.
2. Instrument not dated.
3. Instrument not signed.
4. Instrument not witnessed.
5. Instrument not notarized.
6. Insufficient amount of filing fee.
Correct amount due: _____
7. Requires original signature.
8. All initial pleadings require a civil action cover sheet.
Must state nature of action.
Must state whether case is for Jury or Non-Jury.
Must be signed by attorney.
9. This is not a York County case.
10. Venue changed to _____.
11. Must have motion slip for all Motions filed.
12. Check or money order must be made payable to Clerk of Court.
13. Case Ended: Date: _____
Reason Ended: _____
14. Check not signed.
15. This document is a copy – Must file original.
16. Needs derivation.
17. Other: Judge Hayes has denied your motion to
proceed in forma pauperis. Therefore if
you wish to pursue this you will
need to send \$150.00 filing fee & return the
original documents to our office.

RECEIVED

OCT 10 2016

SC Court of Appeals

Please make the necessary correction(s) and return for recording. Thank you for your assistance.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS OF THE
SIXTEENTH JUDICIAL CIRCUIT

AKEEM ALIM-NAFIS ABUULLAH MALIK,

2015 CP46 - 3371

Plaintiff,

MOTION AND AFFIDAVIT TO PROCEED
IN FORMA PAUPERIS

vs.

SHERIFF BRUCE BRYANT ET AL.,

Defendant(s).

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OCT 10 2016

SC Court of Appeals

FILED-RECEIVED
2015 NOV -3 AM 9:45
DAVID W. HAMILTON
CLERK OF COURT
YORK COUNTY, SC

I ~~am~~ Akeem Alim-Nafis Abullah Plaintiff, state that I do not have the fund(s) available to pay the cost(s) of filing and service in this present matter. I declare under the penalty of perjury 28 USC 1746 & 28 USC 1915(d) to be true and correct. I hereby request that the action be filed and service made without cost. SEE page 4 RULE TO SHOW CAUSE

This 15 day of October
2015

s/ Al. Alim-Nafis Abullah-Malik

Motion to proceed
in forma pauperis

DENIED

Jahid Hagan
Chief Judge for
Administrative Purposes
10/12/15

FILED-RECEIVED
2015 NOV 13 AM 8:11
DAVID W. HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
AKEEM ALIM-WAFIS ABDULLAH-MALIK)
Plaintiff,)

IN THE COURT OF COMMON PLEAS OF THE
SIXTEENTH JUDICIAL CIRCUIT

-versus-

S U M M O N S

SHERIFF BRUCE BRYANT; DEPUTY)
(John) CLARKE; RICK A. EYE-)
ITZER; OFFICER CONANT; AND)
SHADE TREE TOWING SERVICE(S),)
Defendant(s).)

IN REM:)
\$5,000.00 in U.S.)
Currency, Car, Other)
Property, Property)

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OCT 10 2016

SC Court of Appeals

TO: THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Rule to
Shew Cause herein, a copy of which is now served upon you, and
to serve a copy of your answer to the Rule to Shew Cause upon
the plaintiff, at the address shown below, within thirty (30)
days after service hereof, exclusive of the day of such service
and if you fail to answer the Rule to Shew Cause, judgment by
default will be rendered against you for the relief demanded in
the Rule to Shew Cause.

This 15th day of September 2015.

/s/ Akeem Alim-Wafis Abdullah-Malik

Akeem Alim-Wafis Abdullah Malik
359150, RCI, GA-25, POB 2939
Ridgeland, S.C. 29936

STATE OF SOUTH CAROLINA)
YORK COUNTY)

IN THE COURT OF COMMON PLEAS FOR THE
16TH JUDICIAL CIRCUIT

Akcom Alim - Wafia Abdullah Malik)
Plaintiff,)

vs.)

SHERIFF BRUCE BRYANT; DEPUTY)
(John) CLARKE; RICK A. EYEIS-)
TZER CHIEF; OFFICER CONANT AND)
SHADE TREE TOWING SERVICE(S),)
Defendant(s).)

RULE TO SHOW CAUSE

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SC Court of Appeals

IN REPLY)

\$5,000.00 in U. S.)
Currency, Property & Car)
-----)

Now Comes the above named plaintiff, moving this Honorable Court to be heard on his "Rule To Show Cause", pursuant to all colorable law(s) of the State of South Carolina, to include but not limited to S.C. Code of Laws 34-53-520, 530; and 536m for the following reason(s):

1. Plaintiff Akcom Alim - Wafia Abdullah Malik is an illegal resident of South Carolina, residing at Midland Correctional Institution which is within South Carolina Department of Corrections (SCDC);
2. Plaintiff formerly resided at 4314 Branch Bend Lane, #113, Charlotte, NC on September 14, 2013, at which time the defendant(s)

seized \$5,000.00 from his person;

3. Plaintiff resided at 4314 Branch Bend Lane, #113, Charlotte, 28273 on September 14, 2013; plaintiff was arrested on September 14, 2013 at Hwy 160, York County, York South Carolina;

4. Defendant Bruce M. Bryant is the Sheriff of York County Sheriff's Office who supervises all sheriff deputy(ies) of York County and is the direct supervisor of defendant Clarke

5. Defendant Rick A. Eweizer participated in the seizure of \$5,000 car from plaintiff on September 14, 2013;

6. Defendant Sgt. Clarke participated in the seizure of \$5,000.00 car from plaintiff on September 14, 2013;

7. On September 14, 2013 plaintiff was arrested at Hwy 160, York County, York, South Carolina; plaintiff was charged with section(s) 16-13-30; 16-11-313 and 16-17-110 of South Carolina Code Ann. (2012

8. On September 14, 2013 during plaintiff's arrest \$5,000.00; car was seized from his person by the defendant(s); Conant and Shade Tree Towing Service(s) were engaged in the seizure of tender and property

LAW IN SUPPORT

Plaintiff invokes his constitutional right(s) of the First, Fourth, Fifth and Fourteenth Constitutional Amendment(s). Plaintiff makes this Motion pursuant to the clearly established law(s) of S.C. Code of Laws §§ 44-53-520, 530 and 586 for the return of his money. The defendants have failed to take the proper step(s) and to follow the established procedure(s) for forfeiture of plaintiff's money.

The defendant(s) failed to initiate a forfeiture proceeding within a reasonable time.

Plaintiff asserts that several S. C. Code of Law(s) apply to this matter that must be followed. Failure to do so constitutes a violation of clearly established laws of this state. See the following §23-15-130.

Each Sheriff shall on the first Tuesday in every month or within ten days afterwards make a report to the county auditor or treasurer a full and accurate statement of all monies collected by him, on account of ... or forfeitures during the month and in default thereof, upon conviction, shall be liable to a fine of not exceeding one-hundred dollars or imprisonment in the county jail not exceeding two months or both, at the discretion of the court.

§23-17-30 and 40

If any Sheriff shall fail to execute or return final process in any civil suit or to pay over to the person entitled thereto, when demanded, money that has come into his hands as Sheriff shall be unable, on the return of a rule that may be issued against him to show sufficient cause, he shall be liable to be attached for a contempt and committed to custody until he shall comply with the order of the court.

RELIEF SOUGHT

WHEREFORE, plaintiff prays that this Honorable Court issue(s) an order of granting relief to the plaintiff in the following:

I. U.S. Currency in the amount of \$5,000 plus all inter-

est earned from the interest bearing account S.C. Code of Laws
§44-43-520;

II. That the defendant(s) be ordered to pay any and all court costs for the filing of this action;

III. That a trial by jury be held upon all issues triable by jury;

IV. Such further relief that this Honorable Court may deem just and proper;

V. Compensation of loss of car and replacement of car.

This 15th day of September 2015

Respectfully submitted,

Al Alim-Nafis Abdullah-Malik
Akeem Alim-Nafis Abdullah Malik, 359150
RGI, 4A-25, POB 2039
Ridgeland, S. C. 29936

AFFIDAVIT

I am AKEEM ALIM-NAFIS ABDULLAH MALIK, plaintiff herein instance;
I attest for the past six (6) months the account balance attached to my deposit (359150) is zero (0) or debit - negative \$ zero to date. Plaintiff is indigent, unable to pay cost for proceeding and filing etc.

Under penalty of perjury, 28 U.S.C. 1746 and 28 U.S.C. 1915(d) all to be true and correct to the rest of my knowledge.

SWORN TO BEFORE THIS 16th DAY
OF September, 2015

Virginia Robinson
NOTARY PUBLIC
MY COMMISSION EXPIRE: May 29 2021

S/ 

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS FOR THE
JUDICIAL CIRCUIT

Kkeem Alim-Wafis Abdullah Maliky)
Plaintiff,)

PROOF OF SERVICE

vs.

Sheriff Bruce Bryant
et al.,

Defendants.

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SC Court of Appeals

IN REM:
\$5,000.00 in U.S. Cur-
rency, Property and Car

I, _____, plaintiff hereby serve this 'Rule to Show Cause' and Proof of Service upon the defendant(s) by depositing one (1) _____ copy and one _____ of the same in the _____ County Clerk of Court office.

Plaintiff has now served the below listed at last known address to the plaintiff.

1.

2.

Sheriff Bruce M. Bryant et al
1675-24 YORK HWY
YORK, SOUTH CAROLINA 29745

Deputy John Clarke
1675-24 YORK HWY
YORK, SOUTH CAROLINA 29745

3.

CHIEF Rick A. Evilsizer et al
4 TEGA CAY DRIVE
TEGA CAY, SOUTH CAROLINA 29708

4.

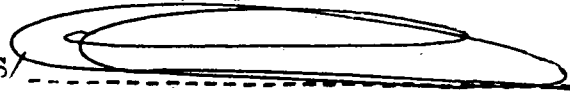
OFFICER LEONANT
4 TEGA CAY DRIVE
TEGA CAY, SOUTH CAROLINA 29708

5

SHADE Tree Towing Service et al

POWER OF ATTORNEY

I, Akcem Alim-Hafis Abdullah-MANW of Ridgeland, South Carolina herewith appoint JESSIE FOWLER as my Attorney In Fact, to act in my place and stead and with the same authority as I would have to conduct any and all business regarding me, including my deposit accounts, loans, safe deposit box or other banking in regard(s) to the civil proceeding(s) between myself and York County Sheriff's office of York, South Carolina

S/ 

/_____

STATE OF SOUTH CAROLINA
COUNTY OF Jasper

Personally appeared before me and acknowledge the execution of this POWER OF ATTORNEY for the purpose(s) set forth therein

DATED: September 16th, 2015

Virginia Robinson
Notary Public

My Commission Expires: May 26, 2021

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OCT 10 2016
SC Court of Appeals

September 13, 2016

Akeem Alim-Nafis Abdullah-Malik
Ridgeland Correctional Institution
5 Correctional Road
Ridgeland, SC 29936

Re: Letter Dated August 28, 2016

Dear Mr. Abdullah-Malik,

Our office is in receipt of your letter/correspondence regarding case number 2015CP46-3371. The South Carolina Court of Appeals remanded the matter to our court only to consider whether to allow you to file your lawsuit and make payments from your inmate trust account. I am returning your documents until this matter can be heard and a decision rendered. The Judge denied your request to proceed in forma pauperis and you have not paid the filing fee to institute an action therefore at the current time you do not have a pending lawsuit.

I have forwarded the order from the South Carolina of Appeals to our court coordinator to schedule a hearing and you will be sent notification of the date and time.

Sincerely,

*Clerk of Court's Office
Civil Division*

Enclosures

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OCT 10 2016
SC Court of Appeals

15-3371

The South Carolina Court of Appeals

Akeem Alim Nafis Abdullah Malik, Appellant,

v.

Bruce M. Bryant, Respondent.

Appellate Case No. 2015-002412

2016 MAY 17 AM 8:34
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DAVID HAMILTON
CLERK OF COURT
SOUTH CAROLINA

ORDER

On February 3, 2016, this appeal was dismissed for failure to serve Respondent with the notice of appeal. Appellant has now filed a petition for rehearing, explaining there is no counsel of record for Respondent because his summons and complaint were not accepted and filed by the circuit court.

After careful consideration, we grant Appellant's petition for rehearing and remand the matter to the circuit court.

Appellant is appealing the trial court's denial of his motion to file his action without paying filing fees. Appellant does not argue the circuit court erred in denying his motion; instead, he argues the circuit court should have permitted him to file his action pursuant to section 24-27-100 of the South Carolina Code of Laws (2007). Appellant's filings, however, do not indicate whether Appellant has filed a certified copy of his trust account with the circuit court or whether the circuit court has previously considered this issue. Accordingly, we remand this matter to the circuit court for consideration of whether Appellant should be permitted to file his action and make payments from his inmate trust account as provided in section 24-27-100.

Thomas E. Huff A.C.J.

[Signature] J.

Joseph W. Curran A.J.

FILED

5/12/16

not filed with your affidavit to proceed in forma pauperis

Columbia, South Carolina

cc:

Akeem Alim-Nafis Abdullah Malik
David Hamilton

September 2, 2016

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2016 SEP 13 PM 3:54

DAVID HAMILTON
C.G.C.P. & GS
YORK COUNTY, SA

Dear Clerk of Court

I Am unable to duplicate further than the (2) copies enclosed. Please Stamp & Forward to All Defendants & Return to MYSELF please

TO MY KNOWLEDGE Counsel nor Counsel OF RECORD OR ASSIGNMENT OF CASE Beyond SC Court OF Appeals Remains TO CIRCUIT COURT IN FAVOR OF APPELLANT

Appellant IS NEGOTIABLE VIA Tele Conference a \$1,000. Fee to Courts for processing a Motions Balance Release to Jesse Fowler Power OF ATTORNEY OF Plaintiff 434 Branch Bend Rd Apt 113, Charlotte, North Carolina 28273 All fees to be deducted from IN Rem \$5,000 Dollar Forfeiture

Attorney - August 1

~~Theresa~~ ~~August 1~~ ~~with~~ ~~Wanda~~

Sincerely,

Alkeem Alim-Nafis Abdullah-Malik
Ridgeland Correctional Institution
5 Correctional Road
Ridgeland, South Carolina 29936

- CC: Clerk of Court
- CC: Defendants by/via Clerk
- CC: Files

Akeem Alim-Nafis Abdullah-Malik
Ridgeland Correctional Institution
5 Correctional Road
Ridgeland, South Carolina 29936

August 28th, 2016

To: Mr. David Hamilton, Clerk of Court
Common Pleas Court
16th Judicial Circuit
P.O. Box 649
York, South Carolina 29745-0649

Re: Akeem Alim-Nafis Abdullah-Malik v. Bruce M. Bryant
Case # 2015-CP-4603771
Appellate Case #. 2015-002412

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OCT 10 2016

SC Court of Appeals

Dear Sir Clerk of Court:

I'AM writing you in reference to the above listed matter.

I as of date received latest listed status as being remitted from the South Carolina Appeals Court in Granting The Appellants Petition For Rehearing and Remand the matter to the Circuit Court Pursuant to Inmate Litigation Act [ILA] S.C. Code § 24-27-100. Upon Granting The Appellant Rehearing and Remand the term Remittitur (1) the process by which the court reduces damage (s) awarded in a jury verdict. Stemming from remit and defined as the sending of money sent to a person...Or the (2) the action of sending a transcript of a case back from an appellate to atrial court or notice of doing so. (3) The act of remitting a case to another court.

The Appellant Akeem Alim-Nafis Abdullah-Malik [Hereinafter] Appellant had initially Summon Sheriff Bruce M. Bryant et.al, Deputy John Clarke et.al, Polic Chief Rick A. Eveistzer Et. Al, Officer Conant; Etal, and Shade Tree Towing Services In REM \$5,000 in U.S. Currency, Car, other Property in Rule To

Show Cause Pursuant to all colorable laws of the State of South Carolina to include but not limited to S.C. Codes § Ann, of 1976 44-53-520,530, and 536...

Appellant here in instance Motion Settlement and Execution of Judgement in tottal absent Court Cost Feess imposed upon defendants. May this simontaneously be exercised as Writ of Execution and properly accessible and or deliverable via U.S. Postal Service to one Mr. Jessie Fowler 4314 Branc Bend Road Apt # 113, Charlotte, North Carolina 28273 original assigned as The Power Attorney For The Appellant whom is now a resident in Ridgeland, South Carolina 5 Correctional Road, Ridgeland Corectional Institution...

Appellant would ask in respect in the event the defendants are willing to negotiate a reasonable viable In Rem Negotiation that satisfies both and all parties the Appellant is willing to negotiate these matter via telephone on record conference established here via Ridgeland Correctional Institution and Written Notice to the Plaintiff/ Appellant. To save resources court expenses, travel writs and cost to the county and state.

In conclusion these matter are non negotiable The Plaintiff/ Apellant Demands Trial, Writ of Transfer, and Same Day Travel from Ridgeland Correctional Institution, 5 Correctional Road, Ridgeland , South Carolina 29936. Deliverable to 16th Judicial Circuit York County Common Pleas Court all defendants and witness es present. The sequester of real and personal property and detinue repelvin trover of property in total and /or replacement in equitable values...

This 30 day August month 2016 year

Respectfully submitted,

Akeem Alim-Nafis Abdullah-Malik
Plaintiff/ Appellant Pro-Se
Ridgeland Correctional Inst.
5 Correctional Road
Ridgeland, South Carolina 29936

- CC: Presiding Judge of Matter
- CC: Clerk of Assigned Court
- CC: Attorney/ Counsel of Records For Defendants
- CC: Files

Notary Public

This 30 day August month 2016 year
My Commission Expires 10-1-25

s/1 Signature Dorothy Ferguson

CERTIFICATE OF SERVICE

I'AM Akeem Alim-Nafis Abdullah-Malik, I do affirm I have deposited in the U.S. Mail Depository original Writ To Execute and/ or In Rem Negoation in absence via telephone on record negoation for real and personal property, prepaid postage and served on all required parties and the Clerk of Court for filing and scheduling and Notice..

This 30 day August month 2016 year

Sincerely,

Akeem Alim-Nafis Abdullah-Malik

Akeem Alim-Nafis Abdullah-Malik
Plaintiff/ Appellant

- CC: Presiding Judge of Matter
- CC: Clerk of Court
- CC: Attorney/ Counsel of Records For Defendants