

Johnson D Koola  
1587 Cambridge Lakes Dr.  
Mt Pleasant, SC 29464  
(843) 849-9241  
January 3, 2017

**RECEIVED**  
JAN 03 2017  
SC Court of Appeals

The Honorable Jenny Abbot Kitchings  
Clerk of the Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Bank of America, N.A. v. Johnson D. Koola *et al.*; Appellate Case No. 2014-001323

Honorable Ms. Kitchings,

I am the appellant *pro se* in the above referenced case. After the Court of Appeals filed denial of appellant's Petition for Rehearing, appellant removed the case to the United States District Court in Charleston on May 20, 2016 (District Court case No.: 2:16-cv-01634-RMG). On December 28, 2016, the United States District Court Judge granted plaintiff BAC's motion to remand and remanded the case to the Court of Appeals.

On January 3, 2017, appellant filed an emergency motion in the District Court for leave of the court to file an appeal to the United States Court of Appeals for the Fourth Circuit; a copy of the motion is attached. I would contact the District Court again tomorrow, January 4, to determine the status of the motion. I would write to you again regarding the status of my emergency motion.

Because of the urgency, this letter and the attachment are sent to you by fax.

Appellant request you to keep the appellate case No.: 2014-001323 in the appellate court case docket till the District Court makes a decision on my motion.

I thank you for your kind action.

Sincerely,

Copy to:

Attorney Theodore von Keller, Esquire, attorney for the plaintiff Bank of America

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

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CASE No.: 2:16-cv-01634-RMG

JAN 03 2017

SC Court of Appeals

Bank of America, N.A.,	)
	)
Plaintiff,	)
	)
v.	)
	)
Johnson D. Koola, et al.,	)
	)
Defendants,	)
	)
Of whom Johnson D. Koola is	)
	)
the Defendant.	)

**EMERGENCY MOTION FOR  
LEAVE OF THE COURT TO  
FILE APPEAL TO THE UNITED  
STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

On May 20, 2016, defendant Johnson D. Koola ("Koola") filed Notice of Removal in the above-referenced case.

On July 29, 2016, the United States Magistrate filed a Report and Recommendation recommending remand of the case back to the State Court. In the Order, the Magistrate Judge advised the parties that they may file specific written objections to the Report and Recommendation. The Magistrate Judge further ordered, "Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based on such Recommendation." Koola filed written objections timely.

On October 19, 2016, the United States Magistrate filed a second Report and Recommendation and recommended that plaintiff Bank of America's motion to remand be granted and that this case be remanded back to the State Court. In the Order, the

Magistrate Judge advised the parties that they may file specific written objections to the Report and Recommendation. The Magistrate Judge further ordered, "Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based on such Recommendation." Koola filed written objections timely.

On December 28, 2016, United States District Court Judge adopted the Report and Recommendation of the Magistrate Judge as the Order of the Court, granted plaintiff BAC's motion to remand, closed the case and remanded the case to South Carolina Court of Appeals. The District Judge effectively denied the right to appeal.

Koola represents to this Court that the Court denied Koola the right to appeal to the United States Court of Appeals for the Fourth Circuit. The Magistrate Judge had twice confirmed that the right to appeal would be granted if written objections to his Notice and Recommendation were filed timely. Koola had filed written objections timely.

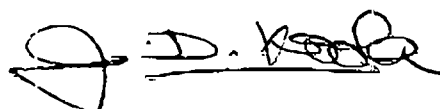
Koola files an emergency Motion requesting Leave of the Court to file Appeal to the United States Court of Appeals for the Fourth Circuit. Koola also requests that the Court withdraws the Order remanding the case to South Carolina Court of Appeals.

Respectfully submitted,

January 3, 2017

  
Johnson D Koola

P.S. The attached ~~over~~ letter served as proof of service.





# Fax Cover Sheet

Date Jan 3, 2017

Number of pages 3 (including cover page)

To:

From:

Name CLERK OF THE COURT

Name Johnson Koola

Company S.C. COURT OF APPEALS

Company Appellant

Telephone (803) 734-1890

Telephone (843) 849-9241

Fax (803) 734-1839

Comments Reg Appellate Case No.: 2014-001323



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