

January 19, 2017

FYI

ATTN: Anne Henley  
Richland County Court of Common Pleas  
Post Office Box 192  
Columbia, South Carolina 29202

RECEIVED  
JAN 25 2017  
SC Court of Appeals

RE: Curtis vs. South Carolina Department of Public Safety, et al  
State Case No. 2015-CP-4005172  
US District Case No. 3:15-CV-03753-MGL-PJG  
Appellate Case No: 2016-001239

RE: Appellants Letter To Anne Henley  
Regarding Documents Missing Unfiled in the Richland County Court of Common Pleas

Greetings,

Enclosed please find the order from the Magistrate Judge, Paige Gossett that I spoke of (**EXHIBIT "1"**). As I initially interpreted her statement with pure intent from my heart to abide by all instructions, what I read was, "You are ordered to always keep the Clerk of Court advised, in writing, so as to assure that orders and other matters that specify deadlines for you to meet will be received by you".

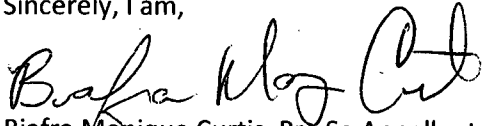
So, with this in mind, in my honest attempt to keep the both Clerks of Court notified of all correspondence for each and every document that I submitted to that court, I also sent the exact same documents to your court for filing (Please see US District Court documents, filings and specifically, the Certificates of Service and dates). The Magistrate Court Judge remanded the case back to the Richland County Court of Common Pleas to address remaining state issues by notice by email addressed to Jeanette McBride on Friday, **April 1, 2016** (See enclosed Order **EXHIBIT "2"**). The problem is that ALL of the documents that I had previously sent to you were either discarded or sent back to me. When the bulk of them, in a large envelope (See **EXHIBIT "4"**, mail stamped with the date of **August 11, 2016** were sent back, there was no note, letter or cover page indicating that they had not been filed, so I assumed they have been filed and these were copies returned to me.

Recently, after disputes arose in the SC Court of Appeals when the Attorney's for the Respondents repeatedly stated that these documents never presented in the lower court. It was only then, that it prompted me to pull those records to prove that I DID indeed submit them for filing. It was then, that I contacted you and was shocked and surprised to learn that these documents, which were instrumental in establishing ultimate facts of my allegations in my case, were never filed in your court. The ramifications of this is outrageous. This missing information potentially could have influenced the Judge Casey L. Manning's final order and decision (See enclosed Transcript PG 14, Lines 24-25 **EXHIBIT**

"3"). If he reviewed the file and NONE of the documents were there...I never had a chance for a fair hearing because there were no supporting documents in the file to verify any facts.

Please, please contact me with any proposed remedies to rectify this matter at your earliest convenience as time and literally, my livelihood, are of the essence and hang daily in the balance of the courts decisions.

Sincerely, I am,

A handwritten signature in black ink, appearing to read "Biafra Monique Curtis". The signature is fluid and cursive, with the first name "Biafra" being the most prominent.

Biafra Monique Curtis, Pro Se Appellant

PO BOX 21294

Hilton Head Island, SC 29925

(843)684-3118

EXHIBIT "1"

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

Biafra Monique Curtis, )  
)  
Plaintiff, )  
)  
v. )  
)  
South Carolina Department of Public Safety; )  
Warren Ganjehsani; Mike Oliver; Leroy Smith; )  
Kenneth Phelps; Anthony Grice; William )  
Taylor; Nicklous King; Willie McCauley, Jr.; )  
Ada Schmidt; Aaron Canzater; Cherie Young, )  
*Individually and in their official capacities,* )  
)  
Defendants. )  
)

C/A No. 3:15-3753-MGL-PJG

ORDER

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SC Court of Appeals

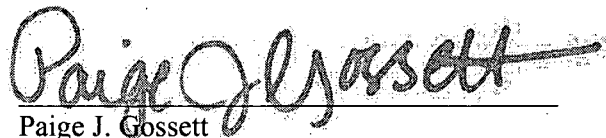
The above-captioned case has been removed from the Richland County Court of Common Pleas. (ECF No. 1.) The docket number for the state court action was Civil Action No. 2015-CP-40-05172. The parties should use the civil action number listed above (C/A No. 3:15-3753-MGL-PJG) when they file subsequent motions or pleadings in this case.

Plaintiff, a *pro se* litigant, is directed to submit fully completed and signed answers to the court's interrogatories pursuant to Local Civil Rule 26.01 (D.S.C.), which are attached to this order, within **twenty-one (21) days** from the date this order is entered (plus three days for mail time). Plaintiff's attention is further directed to the following important notice:

➤ You are ordered to always keep the Clerk of Court advised in writing (901 Richland Street, Columbia, South Carolina 29201) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If, as a result of your failure to comply with this order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this order.** Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

PJG

**IT IS SO ORDERED.**

  
Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE

September 28, 2015  
Columbia, South Carolina

*Plaintiff's attention is directed to the important warning on the next page.*

**IMPORTANT INFORMATION ....PLEASE READ CAREFULLY**

**WARNING TO PRO SE PARTY OR NONPARTY FILERS**

ALL DOCUMENTS THAT YOU FILE WITH THE COURT WILL BE AVAILABLE TO THE PUBLIC ON THE INTERNET THROUGH PACER (PUBLIC ACCESS TO COURT ELECTRONIC RECORDS) AND THE COURT'S ELECTRONIC CASE FILING SYSTEM. **CERTAIN PERSONAL IDENTIFYING INFORMATION SHOULD NOT BE INCLUDED IN, OR SHOULD BE REMOVED FROM, ALL DOCUMENTS BEFORE YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING.**

Rule 5.2 of the Federal Rules of Civil Procedure provides for privacy protection of electronic or paper filings made with the court. Rule 5.2 applies to **ALL** documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party or nonparty for filing. Unless otherwise ordered by the court, a party or nonparty filer should not put certain types of an individual's personal identifying information in documents submitted for filing to any United States District Court. If it is necessary to file a document that already contains personal identifying information, the personal identifying information should be "**blacked out**" or **redacted** prior to submitting the document to the Clerk of Court for filing. A person filing any document containing their own personal identifying information **waives** the protection of Rule 5.2(a) by filing the information without redaction and not under seal.

1. Personal information protected by Rule 5.2(a):

**(a) Social Security and Taxpayer identification numbers.** If an individual's social security number or a taxpayer identification number must be included in a document, the filer may include only the last four digits of that number.

**(b) Names of Minor Children.** If the involvement of a minor child must be mentioned, the filer may include only the initials of that child.

**(c) Dates of Birth.** If an individual's date of birth must be included in a document, the filer may include only the year of birth.

**(d) Financial Account Numbers.** If financial account numbers are relevant, the filer may include only the last four digits of these numbers.

2. Protection of other sensitive personal information – such as driver's license numbers and alien registration numbers – may be sought under Rule 5.2(d) (filings made under seal) and (e) (protective orders).

Curtis v. South Carolina Department of Public Safety et al

South Carolina District Court

Judge: Mary Geiger Lewis  
 Referred: Paige J Gossett  
 Case #: 3:15-cv-03753  
 Nature of Suit: 440 Civil Rights - Other Civil Rights  
 Cause: 42:1983 Civil Rights Act  
 Case Filed: Sep 18, 2015  
 Terminated: Mar 31, 2016

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SC Court of Appeals

- Docket
- Parties (13)

Docket last updated: 12 hours ago

Friday, April 01, 2016

14 **misc Document E-Mailed** Fri 11:35 AM  
 \*\*\*DOCUMENT E-MAILED41 Order Ruling on Report and Recommendation and NEF of Order to Jeanette W McBrid (bgoo)

13 **misc Document Mailed** Fri 11:10 AM  
 \*\*\*DOCUMENT MAILED42 Judgment,41 Order Ruling on Report and Recommendation, placed in U.S. Mail to Biafra Monique Curtis. (bgoo)

Thursday, March 31, 2016

12 **misc Judgment** Fri 10:43 AM  
 JUDGMENT dismissing Plaintiff's federal claims with prejudice as to all defendants. (bgoo)

11 **order Order Ruling on Report and Recommendation** Thu 4:18 PM  
 ORDER adopoting 36 REPORT AND RECOMMENDATION, granting the Defendants' 5 Motion to Dismiss with regar to Plaintiff's Federal Claims, denying Plaintiff's 12 Motion for Default Judgment, and declining to exercise supplement jurisdiction over Plaintiff's state law claims. IT IS FURTHER ORDERED that Plaintiff's state law claims are remanded to the Richland County Court of Common Pleas. Signed by Honorable Mary Geiger Lewis on 3/31/2016. (bgoo)

Thursday, March 10, 2016

19 **respoth Objection to Report and Recommendation** Fri 9:46 AM  
 OBJECTION to36 Report and Recommendation by Biafra Monique Curtis. Reply to Objections due by 3/28/2016 (bgoo)

Att: 1 Letters from South Carolina Department of Public Safety,

1 job. In fact, in a meeting that I had with the officer and  
2 his four superior officers he admitted in that meeting that  
3 he did obtain the name and contact information of the  
4 driver of the at-fault vehicle and he discarded it at the  
5 time and deemed that information unimportant and that  
6 person that gave the information non-credible; however,  
7 four months later after re-investigating it was determined  
8 that that driver was, in fact, responsible for the  
9 accident.

10 So that is the whole point of having the OPR  
11 investigation which would have revealed that that officer  
12 did, in fact, have that information. He admitted it in a  
13 meeting and I have information here -- documentation here  
14 confirming what I'm telling you.

15 THE COURT: All right. Thank you, Ms. Curtis.  
16 Anything further?

17 MS. HOOD: Your Honor, we submitted, prior to the  
18 hearing today, a proposed order. I have a paper copy of  
19 that order and a Form 4 which I failed to submit if you'd  
20 like me to hand that up.

21 THE COURT: I'll allow you to submit it.

22 MS. HOOD: Okay. May I approach, Your Honor?

23 (WHEREUPON, documents are handed to the Court.)

24 THE COURT: And Ms. Curtis, I'll think about the  
25 arguments that I heard here today. I'll review the file

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**SC Court of Appeals**

# EXHIBIT "4"

2

2

1

2

9

4

Ms. Blaira M. Gurtis  
P.O. Box 21294  
Hilton Head Island, SC 29925

8/13

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SC Court of Appeals

POSTAGE

08/11/2010

UNITED STATES

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

Alfra Monique Curtis, Pro Se

Plaintiff,

versus

Carolina Department of Public Safety,  
Lead Captain, Mike Oliver, Leroy Smith,  
Sergeant Anthony Grice, William Taylor,  
Sergeant Willie McCauley, Jr., Ada Schmidt,  
Sergeant Carrie Young, individually  
and as officers of the cities

Defendant(s)

Case No. 15-CV-0015-MGL-PJG  
State Case No. 2015-CP-000172

RESPONSE TO DEFENDANTS  
REPLY TO RESPONSE TO  
MOTION TO DISMISS

~~NICHOLE ANN GUNN~~  
2015 DEC 14 11:41 AM '15  
CLERK U.S. DISTRICT COURT  
COLUMBIA, S.C.

ALL DEFENDANTS PLEASE TAKE NOTICE  
NOTICE OF NON-DENIAL FOR LACK OF FORM

"The Court's foundational documents" it has come to my attention that quite often "The Court" refuse to act, or dismiss a case, under the ruse of "DENIED FOR WANT OF FORM". The first Congress in 1789 clearly outlines the intent of what a court is to be and that the court is one who is "deemed to know the law" and must assist sovereign people in our courts to our cases before a jury of our peers as we see fit to plead our cases with counsel of our choice. The court works for US, and has no discretion to refuse to hear cases of deprivation of rights and damages nor do they have the right to refuse a trial by jury.

Therefore, any document, which is "an act of court", shall not be dismissed for lack of form or failure of process. All the pleadings must be as any reasonable man/woman would understand, clearly, and in plain, simple words of facts and law.

And it is further enacted that no summons, writ, declaration, return, process, judgment, or other writs or orders in civil cases in any of the courts of the United States, shall be abated, quashed or reversed for any defect or want of form, but the said courts respectively shall proceed and lawfully proceed according as the right of the cause and matter in law shall require, without regarding any imperfections, defects or want of form in such writ.

**PROOF OF MAILING OF APPELLANTS LETTER TO ANNE HENLEY  
REGARDING MISSING AND UNFILED DOCUMENTS**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

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Appellate Case No: 2016-001239

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Biafra Monique Curtis, Pro Se

**Appellant**

V.

South Carolina Department of Public Safety,  
Warren Ganjehsani, Mike Oliver, Leroy Smith,  
Kenneth Phelps, Anthony Grice, William Taylor,  
Nicklous King, Willie McCauley, Jr., Ada Schmidt,  
Aaron Canzater and Cherie Young, individually  
and in their official capacities, et al. **Respondent(s)**

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JAN 25 2017

**SC Court of Appeals**

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**PROOF OF MAILING**

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I certify that I have mailed this original letter, titled, Appellants Letter To Anne Henley Regarding Documents Missing Unfiled in the Richland County Court of Common Pleas to ATTN: Anne Henley, SC Court of Common Pleas, PO BOX 192, Columbia, SC 29202 on January 19, 2017 and mailed additional copies, by use of the United States Postal Service for delivery, with adequate postage paid, to the parties and entities named herein at the addresses given below:

Norma Jett and Allison D. Hood, Attorney's for ALL Respondents  
Post Office Drawer 909  
Bamberg, SC 29003

Jeanette McBride-Clerk of Court  
Richland County Court of Common Pleas  
PO BOX 2766  
Columbia, SC 29202

Honorable Jenny Abbott Kitchings-Clerk of Court  
South Carolina Court of Appeals  
PO BOX 11629  
Columbia, SC 29211

January 19, 2017



Biafra Monique Curtis, Pro Se  
PO BOX 21294  
Hilton Head Island, SC 29925

BIAFRA CURTIS  
PO BOX 21294  
HILTON HEAD, SC  
29925

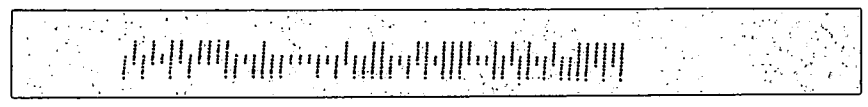


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PAID  
SAVANNAH, GA  
31405  
JAN 19, 17  
AMOUNT  
**\$1.36**  
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HONORABLE JENNY ABBOTT KITCHINGS  
CLERK OF COURT  
SC COURT OF APPEALS  
PO BOX 11629  
COLUMBIA, SC 29211

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