

The Supreme Court of South Carolina

James Blakely and Antonio Sullivan, Plaintiffs,

Of whom James Blakely is, Petitioner,

v.

South Carolina Department of Corrections; B. P. Stirling;
Sam Soltis, Deputy Director of Health; Larry Cartledge,
Warden; Dr. Days; D.P.M. Thomas, Commissary
Manager; Isa Gurbuz, Supply Manager; M. Brown, Food
Service Manager, Respondents.

Appellate Case No. 2017-000112

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SC Court of Appeals

ORDER


By order dated January 11, 2017, the South Carolina Court of Appeals dismissed the appeal in this matter. A petition for reinstatement is currently pending before the Court of Appeals.¹

Petitioner has now filed a notice of appeal seeking review of the decision of the Court of Appeals in this matter. Since a decision of the Court of Appeals is reviewed by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), this notice of appeal has been construed as a petition for a writ of certiorari.

Under Rule 242(a), SCACR, this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing or reinstatement has been

¹ Before the Court of Appeals, the Appellate Case Number is 2016-002418.

ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review. Accordingly, the petition for a writ of certiorari is dismissed.


Columbia, South Carolina
January 24, 2017



FOR THE COURT C.J.

cc: John Horton Guerry, Esquire
Michelle Parsons Kelley, Esquire
Mr. James G. Blakely, #255623
The Honorable Jenny Abbott Kitchings