



The South Carolina Court of Appeals

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March 22, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

REMITTITUR

Re: Clarence Miller #267397 v. SCDC
Appellate Case No. 2016-002030

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Clarence Scott Miller
Christina Catoe Bigelow, Esquire

The South Carolina Court of Appeals

Clarence Miller #267397, Appellant,

v.

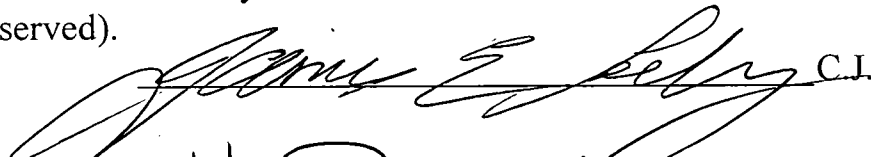
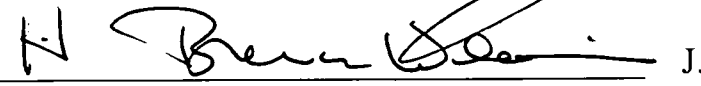

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-002030

ORDER

This appeal was dismissed on November 16, 2016, due to Appellant's failure to pay the notice of appeal filing fee, provide a proof of service, submit the order challenged on appeal, and pay the fee for a motion for an extension. Appellant has now filed a copy of the underlying order, filed a motion to proceed *in forma pauperis*, and provided this court with proof of the date he served the notice of appeal on Respondent. We construe Appellant's filings together as a motion to reinstate the appeal.

Because Appellant's proof of service document indicates Appellant failed to timely serve the notice of appeal as set forth in Rule 203, SCACR, we deny the motion to reinstate the appeal. *See* Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 227 may be extended . . ."); *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985) (explaining the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice of intent to appeal must be served).

 C.J.
 J.
 J.

FILED

February 8, 2017

Columbia, South Carolina

cc:

Clarence Scott Miller

Christina Catoe Bigelow, Esquire

Jana E. Shealy