

The Supreme Court of South Carolina

RECEIVED

Isiah James, Jr., Petitioner,

MAR 02 2017

v.

SC Court of Appeals

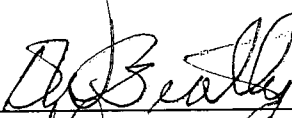
South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

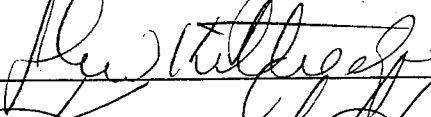
Appellate Case No. 2017-000050

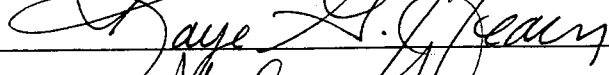
ORDER


Petitioner has filed a petition for a writ of certiorari seeking review of an order of the Court of Appeals dismissing his appeal for failure to pay the filing fee, alleging, in part, that the Court of Appeals erred in denying his motion to proceed in forma pauperis. Petitioner has also filed a motion to proceed in forma pauperis in the matter before this Court. Respondent has filed a return to the petition for a writ of certiorari and petitioner has filed a reply to the return.

The motion to proceed in forma pauperis is granted. We grant the petition for a writ of certiorari, dispense with further briefing, and having considered the merits of petitioner's assertions of error committed by the circuit court as set forth in the petition for a writ of certiorari, hereby affirm the circuit court decision dismissing petitioner's Rule 60(b)(5), SCRCP, motion and his petitions for a writ of habeas corpus. As a result of our decision, any error in denying petitioner's motion to proceed in forma pauperis before the Court of Appeals is harmless.


_____ C.J.

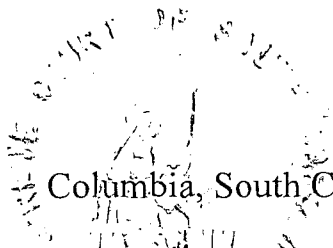

_____ J.


_____ J.


_____ J.

Jeanette W. McBride

J.



Columbia, South Carolina

March 7, 2017

cc:

The Honorable Jenny Abbott Kitchings

Tommy Evans, Jr., Esquire

Isiah James, Jr., 096883

The Honorable Jeanette W. McBride