

The Supreme Court of South Carolina

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May 25, 2017

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Isiah James, Jr. v. SCDPPPS(9)
Lower Court Case No. 2005CP4002795
Appellate Case No. 2017-000050

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 along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

c: Tommy Evans, Jr., Esquire
Isiah James, Jr., 096883

The Supreme Court of South Carolina

Isiah James, Jr., Petitioner,

v.


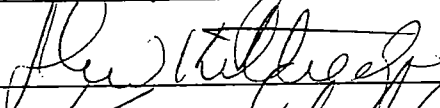

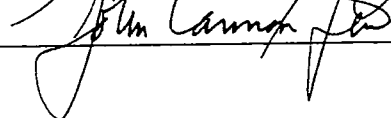
South Carolina Department of Probation, Parole and
Pardon Services, Respondent.


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), SCRPC, 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.

 J.

Columbia, South Carolina

March 1, 2017

cc:

The Honorable Jenny Abbott Kitchings

Tommy Evans, Jr., Esquire

Isiah James, Jr., 096883

The Honorable Jeanette W. McBride

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

v.

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

Appellate Case No. 2016-000945

The Honorable J. Cordell Maddox, Jr.
Richland County
Trial Court Case No. 2005CP4002795

ORDER

Appellant has failed to provide the notice of appeal filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules and by the Court's Order dated June 24, 2016. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY Joy A. Kelly
CLERK

Columbia, South Carolina

cc:
Isiah James, Jr., 096883
Tommy Evans, Jr., Esquire

FILED

August 16, 2016 AS