

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, *Administrative Law Judge*

RECEIVED

Lower Case No. 2016-ALJ-04-0844-AP

JUN 07 2017

Appellate Case No. 2017-001181

SC Court of Appeals

Bernard McFadden, # 199135,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

MOTION TO WITHDRAW

COMES NOW, Respondent, South Carolina Department of Corrections (SCDC or Department) and, pursuant to Rule 240, SCACR, moves this Honorable Court for an order permitting Respondent to withdraw its earlier motion to dismiss.

Respondent filed its motion to dismiss because it had not yet received the final order from the Administrative Law Court. Respondent has now received the final order from the Administrative Law Court and wishes to withdraw its previous motion.

WHEREFORE the Department respectfully requests that the Court allow Respondent to withdraw its motion to dismiss.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Melissa J. Arnold', written over a horizontal line.

Melissa J. Arnold
Staff Attorney
S.C. Department of Corrections
P.O. Box 21787
Columbia, South Carolina 29221
(803) 896-1278 [direct]

Counsel for Respondent

Columbia, South Carolina

June 7, 2017

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S. Phillip Lenski, *Administrative Law Judge*

Lower Case No. 2016-ALJ-04-0844-AP

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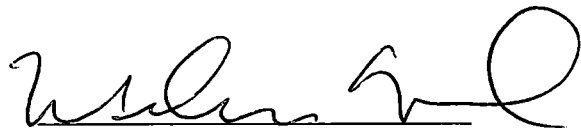
Bernard McFadden, # 199135,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

AMENDED CERTIFICATE OF SERVICE

I hereby certify that on **June 7, 2017**, I served a copy of the foregoing ***MOTION TO WITHDRAW*** upon Appellant by depositing a copy of same in the United States Mail, addressed to: Bernard McFadden, SCDC #199135, Kershaw Correctional Institution, 4848 Goldmine Highway, Kershaw, S.C. 29067.



Melissa J. Arnold
Staff Attorney
S.C. Department of Corrections
P.O. Box 21787
Columbia, South Carolina 29221
(803) 896-1278 [direct]

June 7, 2017



HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

June 7, 2017

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SC Court of Appeals

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

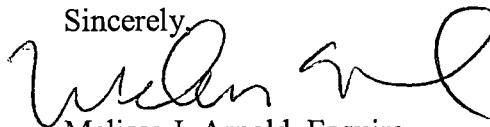
Reference: App. Case No.: 2017-001181 (*Bernard McFadden*, # 199135
v. South Carolina Department of Corrections)

Dear Ms. Kitchings:

Enclosed herein, please find:

- One (1) original Motion to Withdraw;
- One (1) Copy of the Motion to Withdraw to be stamped and returned;
- Six (6) copies of the Motion to Withdraw.

Sincerely,



Melissa J. Arnold, Esquire

Enclosures

Cc: Bernard McFadden, # 199135
Kershaw Correctional Institution