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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson III, Administrative Law Judge

Case No. (NONE)

South Carolina Department of Correction Respondent,

v.

James Daniels Appellant,

RECEIVED

JUN 16 2017

SC Court of Appeals

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NOTICE OF APPEAL

James Daniels appeals the decision of the clerk of court, Jana E. Cox Shealy, of the Administrative Court decision to not docket and to give the appellant a case number regarding the South Carolina Department of Correction (SCDC) not allow appellant to file a step II according to Barnes v. SC Department of Corrections, docket no # 15-ALJ-30-0318-IJ. Appellant received the clerk letter not to proceed in the Administrative Court on May 18, 2017

Date: 6/12/17

James Daniels

James Daniels
LEE County prison
990 Wisacky Hwy
Bishopville SC 29010

LEGAL MAIL ONLY

Memorandum

To: Appellant
From: Clerk's Office, Administrative Law Court
Date: 4-28-17
Re: Compliance with ALC Special Appeals Rule

The Administrative Law Court received your information on 4-20-17.
According to ALC Rule 59:

Any notice of appeal which is incomplete or not in compliance with this rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed.

Accordingly, your case will not be assigned until the following information is received:

- Your Step 1 should be submitted to the Lee Grievance Coordinator for processing. Attach all forms to the Notice of Appeal form and return to the Clerk's Office.
- A copy of the final decision which is the subject of the appeal (i.e., Step 2 Grievance Form from the DOC or the final decision from PPS) pursuant to ALC Rule 59(C).
- A brief factual basis for each expressly and specifically asserted constitutional violation in accordance with ALC Rule 59(B).
- The Notice of Appeal form you submitted must be signed and dated.
- Filing Fee of \$25 in accordance with ALC Rule 71 for your 4th and subsequent appeal this calendar year.
- Other:

Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

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CASE NO. (NONE)

South Carolina Department of Correction Respondent,

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James Daniels Appellant,

PROOF OF SERVICE

I, James Daniels does hereby certify that SERVICE OF LETTER TO CLERK, MOTION FOR INFORMA PAUPERIS, AFFIDAVIT AND COPY OF CLERK LETTER - NOT TO PROCESS MY APPEAL was made upon the CLERK OF COURT OF APPEALS by mailing same by the United STATES Mail, on this 12 day of June at the below listed address:

Clerk, South Carolina
Court of Appeals
P.O. Box 11629
Columbia, SC 29211

James Daniels

JAMES DANIELS
LEE County prison
990 Wisacky Hwy.
Bishopville SC 29010

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To: Clerk, South Carolina
Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

From: James Daniels
LEE County prison
990 Wisacky Hwy
Bishopville SC 29010

RE: Daniels v. SCDC

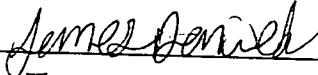
Dear Clerk of Court of Appeals,

Enclosed for filing is a notice of appeal regarding the clerk of court of the Administrative Court not allowing me to proceed on my appeal from the South Carolina Department of Correction denying my Step II grievance according to Barnes v. SC Department of Corrections, docket no # 15-ALJ-30-0318-IJ. Also enclosed are the following:

- (1) Proof of service of notice of appeal on the respondents
- (2) A motion for Informa pauperis and affidavit
- (3) A copy of the decision of the Administrative Clerk not to process my appeal in the Administrative Court

Respectfully Submitted,

Date: 6/12/17



James Daniels
LEE County prison
990 Wisacky Hwy.
Bishopville SC 29010

LEGAL MAIL ONLY

STATE OF SOUTH CAROLINA
Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

May 18, 2017

James Daniels #SK5291
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

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JUN 16 2017

SC Court of Appeals

In Re: Application of Barnes v. SC Department of Corrections, Document No. 15-ALJ-30-0318-IJ

Dear Mr. Daniels:

The Administrative Law Court (ALC) received your letter dated May 3, 2017 asserting that the appeal returned to you for failure to exhaust your administrative remedies by filing a Step 1 Grievance, must be filed and processed pursuant to the decision in Barnes. The decision issued by Judge Anderson in Barnes is not precedential and does not set procedure for all pretrial detainees in custody of the Department of Corrections (DOC). The instruction in Barnes to file a Step 2 Grievance without filing a Step 1 Grievance, applied only to Mr. Barnes in that case. It does not apply to all pretrial detainees unless a higher court rules on that issue on appeal. This case has been appealed and is pending before the Court of Appeals. Until that issue is addressed by that Court, you must file in accordance with current DOC policies. Therefore, your appeal is being returned to you to comply with filing a Step 1 Grievance as instructed.

Please let me know if you have any other questions.

Sincerely,

Jana E. Cox Shealy
Clerk of Court

JES/

cc: Nancy Riley, General Counsel, ALC
Office of General Counsel, DOC
Lee Grievance Coordinator

James Daniels SK# 5291
Lee County Prison
990 Wisakus Hwy
Bishopville SC 29010

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