

The Supreme Court of South Carolina

James Blakely and Antonio Sullivan, Plaintiffs,

Of whom James Blakely is, Petitioner,

v.

South Carolina Department of Corrections; B. P. Stirling;
Sam Soltis, Deputy Director of Health; Larry Cartledge,
Warden; Dr. Days; D.P.M. Thomas, Commissary
Manager; Isa Gurbuz, Supply Manager; M. Brown, Food
Service Manager, Respondents.

Appellate Case No. 2017-001597

ORDER

By order dated July 10, 2017, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on July 26, 2017.

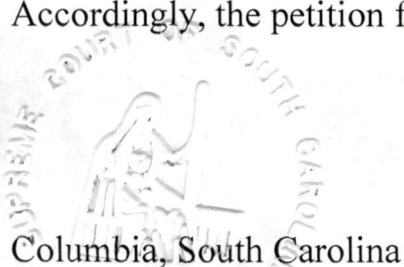
Petitioner has now filed a notice of appeal with this Court seeking review of the decision of the Court of Appeals. Since a decision of the Court of Appeals is reviewed by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), this document has been construed as being a petition for a writ of certiorari.

Under Rule 242(a), SCACR, this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing or reinstatement has been ruled on by the Court of Appeals since the filing of the order of dismissal, there is no final decision for this Court to review.

Further, when no petition for rehearing or reinstatement was received by the Court

of Appeals within the time specified by Rule 221, SCACR, the Court of Appeals properly sent the remittitur. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, the petition for a writ of certiorari is dismissed.





FOR THE COURT C.J.

Columbia, South Carolina

July 27, 2017

cc: John Horton Guerry, Esquire
Michelle Parsons Kelley, Esquire
Mr. James G. Blakely, #255623
The Honorable Jeanette McBride
The Honorable Jenny Kitchings