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STATE OF SOUTH CAROLINA COUNTY OF LEE Altony Brooks, #313000 Plaintiff, v. Sharon Patterson, Disciplinary Hearing Officer; Officer Shatiya M. Roberson; Lieutenant Annie M. McCullough; Miguel Williams, Counselor Substitute; Lieutenant *Barrett* E. Durant; Lesia M. Johnson, Grievance Coordinator; South Carolina Department of Corrections, Defendants.	)	IN THE COURT OF COMMON PLEAS C/A NO.: 2015-CP-31-00179 **ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

This matter is before the court on motion of the Defendants for Summary Judgment pursuant to Rule 56, South Carolina Rules of Civil Procedure. This matter was argued before this court on June 7, 2017 in Bishopville, South Carolina. Present were John G. Hofler, III, Esq. on behalf of the Defendants, and Altony Brooks, Plaintiff pro se. After thorough consideration of the arguments presented by the parties, as well as review of the written record, the court hereby GRANTS Defendants' Motion for Summary Judgment. The court's reasoning is further set forth below.

STATEMENT OF THE CASE

This is a civil action filed by a *pro se* prisoner regarding claims arising under both South Carolina and federal law. Plaintiff filed a Complaint in South Carolina state court, Lee County, on July 14, 2015, claiming that his constitutional rights were violated while he was incarcerated at Lee Correctional Institution. Plaintiff's Complaint names the following individuals and entities as defendants: Disciplinary Hearing Officer Sharon

Patterson, Officer S. Roberson, Lieutenant McCullough, Lieutenant Durant, Counsel Substitute Williams, Grievance Coordinator Johnson, and the South Carolina Department of Corrections. See Complaint. The Complaint was served on the South Carolina Attorney General's office on October 19, 2015. Defendants filed a Notice of Removal and an Answer on November 16, 2015.

Defendants filed a Motion for Summary Judgment in Federal court on a number of grounds, including Plaintiff's failure to exhaust his administrative remedies. The *United* States District Court subsequently dismissed Plaintiff's federal claims, and remanded all of Plaintiff's state claims back to Lee County Circuit Court. All of the Defendants named above now seek summary judgment as to all of Plaintiff's remaining state claims against them and have submitted the present motion for summary judgment.

FACTUAL BACKGROUND

At all times relevant to the issues raised by Plaintiff's Complaint, he was incarcerated at Lee Correctional Institution ("Lee CI"). His Complaint appears to set forth general allegations of gross negligence, defamation, false imprisonment, and denial of due process in connection with the hearing and attempted appeal of a disciplinary charge in violation of his constitutional rights. See Complaint.

Plaintiff alleges in his Complaint that in September of 2013, he was charged with Exhibitionism and Public Masturbation. See Complaint, at ¶1. According to the Complaint, a Disciplinary Hearing was conducted in September or October of 2013. Id. at ¶2. Plaintiff alleges that he presented documents and testimony that he was at a

parole hearing on the date he was accused of being in his room committing the offense in question. Id. Plaintiff alleges that DHO (Disciplinary Hearing Officer) Sharon Patterson falsely charged Plaintiff and retaliated against him in erroneously finding him guilty (see, e.g. Complaint at ¶¶16-17), the investigation was deficient (see e.g., Id. at ¶¶4-6), that Officer Roberson lied during the disciplinary hearing (see e.g., Id. at ¶7) and wrote a false report (see e.g., Id. at ¶30), that Lieutenant McCullough signed off on Roberson's report and did not investigate the matter (see e.g., Id. at ¶¶24-25), that Counsel Substitute Williams failed to protect Plaintiff from a finding of guilt (see e.g., Id. at "Claims for Relief"), that Lieutenant Durant was present at the disciplinary hearing and did not do anything (see e.g., Id. at ¶23), and that Grievance Coordinator Johnson failed to process Plaintiff's grievance (see e.g., Id. at ¶18). Plaintiff also alleges that the Defendants violated a number of SCDC policies (see e.g., Id. at ¶29). Plaintiff's Complaint sets forth the following specific causes of action:

-Denial of due process (as to Defendants Roberson, Patterson, Durant, Williams, and Johnson);

-Breach of Sections 24-1-120 and 24-1-130 of the South Carolina Code of Laws and gross negligence (as to Defendants Roberson, Patterson, and Durant);

-Defamation (as to Defendants Roberson and Patterson);

-Outrage (as to Defendants Roberson, Patterson, and McCullough);

-Conspiracy – state and federal (as to Defendant Patterson).

Plaintiff also seeks declaratory relief affirming the liability of the Defendants as set forth above, and injunctive relief expunging the disciplinary conviction at issue and reversing the sanctions against him.

STANDARD OF REVIEW

A court will grant a moving party's motion for summary judgment when no genuine issue of material fact exists, and that party is entitled to judgment as a matter of law. Rule 56(c), SCRCP. In determining whether any genuine issues of fact exist, the court must view both the evidence and all reasonable inferences able to be drawn from the evidence in the light most favorable to the non-moving party. Simmons v. Tuomey Regional Medical Center, 341 S.C. 32, 39, 533 S.E.2d 312, 316 (2000). Nonetheless, the court must search the proof to ascertain whether it discloses a real issue, rather than a formal, perfunctory, or shadowy one. Saluda Motor Lines v. Crouch, 300 S.C. 43, 46, 386 S.E.2d 290, 292 (Ct.App.1989). The presence of a factual dispute is not enough to preclude summary judgment; the issue must be one which a party is entitled to litigate. Id. "In order to resist a motion for summary judgment, the nonmoving party must come forward with specific facts showing genuine issues necessitating trial." Nationsbank v. Scott Farm, 320 S.C. 299, 303, 465 S.E.2d 98, 100 (Ct.App.1995).

The moving party need not support his motion with affidavits or other similar materials negating the opponent's claim. Once the moving party carries its initial burden, the opposing party "may not rest upon the mere allegations or denials of his pleading, but his response . . . must set forth specific facts showing that there is a genuine issue for trial." Midland Mut. Life Ins. Co. v. Harrell, 331 S.C. 394, 397-98, 503 S.E.2d 189, 190-91 (Ct.App.1998) *reh'g denied* (Aug. 1998), *cert. denied* (Apr. 1999).

REASONING

For the reasons set forth below, summary judgment is proper for all of Plaintiff's claims against the Defendants. This order will consider each issue in turn.

1. All federal causes of action have been dismissed by the United States District Court.

All of Plaintiff's federal claims have been adjudicated and dismissed by the United States District Court, and as such, summary judgment is proper for such claims. The heart of Plaintiff's Complaint appears to be the argument that the manner in which Plaintiff's disciplinary hearing was conducted constituted a denial of Plaintiff's Due Process rights under the United States Constitution. This issue was raised before and ruled on by the United States District Court, which concluded that Plaintiff failed to exhaust his administrative remedies as to all of his federal claims (which also include a claim for conspiracy under 42 U.S.C. Section 1983). Plaintiff failed to follow the inmate grievance procedure, which means Plaintiff failed to exhaust his administrative remedies. The District Court's order remanded only the *state* claims for further proceedings. The District Court's order was attached to Defendants' Memorandum in Support of Motion for Summary Judgment. Summary judgment is proper as to Plaintiff's 14th Amendment Due Process claims, his retaliation claim, as well as his federal conspiracy claim.

It is particularly important to note that Plaintiff's sole cause of action against Defendant Williams is for denial of Due Process under the 14th Amendment. As such, Defendant Williams in particular is entitled to summary judgment.

2. Plaintiff's Complaint is primarily an improper collateral attack on his institutional disciplinary conviction, and should be dismissed.

South Carolina law provides a mechanism for review of institution inmate disciplinary hearings – the Administrative Law Court. Pursuant to S.C. Code Section 1-23-600(D),

the ALC "**shall** preside over all appeals from final decisions of contested cases pursuant to the Administrative Procedures Act..." (emphasis added). The one relevant exception to such authority is where an inmate appeal involves "*only* the loss of the opportunity to earn sentence-related credits." Howard v. South Carolina Dept. of Corrections, 399 S.C. 618, 733 S.E.2d 211 (2012) (emphasis in original). In the Howard case, the South Carolina Supreme Court considered a situation in which the ALC dismissed an inmate appeal based on the following language in S.C. Code Section 1-23-600(D): "An administrative law judge shall not hear an appeal from an inmate in the custody of the Department of Corrections involving the loss of the opportunity to earn sentence-related credits pursuant to Section 24-13-210(A) or Section 24-13-230(A)..." In Howard, the Court interpreted the above-quoted language narrowly, holding that "the ALC may summarily dismiss an inmate appeal that involves *only* the loss of the opportunity to earn sentence-related credits..." but clarifying that "a matter is reviewable by the ALC where an inmate's appeal *also* implicates a state-created liberty or property interest, such as the loss of accrued sentence-related credits." Howard, 399 S.C. at 630, 733 S.E.2d at 218 (emphasis in original).

The case of Al-Shabazz v. State, 338 S.C. 354, 527 S.E. 2d. 742 (2000) speaks directly to issues at the heart of this case. As set forth Al-Shabazz, an imate's option for review of a Department of Corrections final decision in a non-collateral or administrative matter, which includes a disciplinary hearing, is to the Administrative Law Judge. Plaintiff's remedy in this matter if he was dissatisfied with his disciplinary hearing was to seek relief before the Administrative Law Judge. Plaintiff failed to do so, and Defendants are entitled to Summary Judgment.

In the present case, rather than pursuing review of the allegedly defective institutional disciplinary proceeding within the ALC, Plaintiff has filed the present lawsuit, seeking (among other things) money damages from the Defendants in this case. Plaintiff's only source of review of the institutional disciplinary hearing in question was with the ALC.

3. Any individually-named Defendants for whom state law claims have not been stated with particularity should be dismissed.

Defendants McCullough, Williams, and Durant are entitled to summary judgment because Plaintiff has failed to articulate any viable state law claims against them with particularity. Plaintiff alleged that Defendant McCullough signed off on Defendant Roberson's report and did not investigate the matter. See Complaint, ¶¶24-25. Plaintiff further argues that Defendant Williams, a counsel substitute present at the disciplinary hearing, failed to protect Plaintiff from a finding of guilt at the hearing. See Complaint, "Claims for Relief." Similarly, Plaintiff argues that Defendant Durant was present at the disciplinary hearing and did not do anything. See Complaint, ¶23. These statements simply fail to support any state law cause of action against Defendants McCullough, Williams, or Durant, and these Defendants are entitled to summary judgment.

To the extent Plaintiff attempts to argue that he has filed claims for failure to follow SCDC policies against Defendants McCullough, Williams, and Durant, such an argument fails because South Carolina law expressly prohibits such a cause of action (see below for further discussion of this issue).

4. Any claims governed by the South Carolina Tort Claims Act must be brought only against the governmental entity, and any such claims against individual defendants should be dismissed.

The South Carolina Tort Claims Act is the exclusive remedy for any tort committed by an employee of a governmental entity while acting within the scope of his official duty. S.C. Code Section 15-78-70(a). Plaintiff has neither alleged, nor presented any evidence that any of the individually-named Defendants were acting outside the scope of their official duties, or that such conduct constituted actual fraud, actual malice, or actual intent to harm Plaintiff. Plaintiff's gross negligence claim against Defendants in this case is governed by the South Carolina Tort Claims Act.

Section 15-78-70(c) provides, in relevant part, as follows:

> On or after January 1, 1989, a person, when bringing an action against a governmental entity under the provisions of this chapter, shall name as a party defendant only the agency or political subdivision for which the employee was acting and is not required to name the employee individually....**In the event that the employee is individually named, the agency or political subdivision for which the employee was acting must be substituted as the party defendant**...
>
> (Emphasis added).

Plaintiff has alleged gross negligence against Defendants Patterson, Roberson, and Durant in his Complaint. Based on the language cited above, SCDC should have been named as the party defendant for Plaintiff's gross negligence claim, and these individual Defendants are entitled to summary judgment.

5. Plaintiff's defamation claim against Defendants Patterson, Roberson, and Johnson must be dismissed for numerous reasons.

In order to establish a claim for defamation under South Carolina law, a plaintiff must show that a statement: "(1) had a defamatory meaning; (2) was published with actual or implied malice; (3) was false; (4) was published by the defendant; (5) concerned the plaintiff; and (6) resulted in presumed damages or special damages to

the plaintiff." Parker v. Evening Post Publishing Co., 317 S.C. 236, 242-43, 452 S.E.2d 640, 644 (Ct.App.1994) (citation omitted).

Summary judgment is proper as to this claim for several reasons. First and foremost, neither Defendant Patterson, Defendant Roberson, nor Defendant Johnson actually published the results of Plaintiff's institutional disciplinary hearing on SCDC's website. Rather, any publication was made by SCDC – and Plaintiff has not alleged defamation against SCDC. Second, Defendants are entitled to summary judgment on Plaintiff's defamation claim because the information published was true. "The truth of the matter is a complete defense to an action based on defamation." WeSav Financial Corp. v. Lingefelt, 316 S.C. 442, 445, 450 S.E.2d 580, 582 (1994). According to the Affidavit of Sharon Patterson, which was attached as an exhibit to Defendants' summary judgment memorandum, Plaintiff's conviction of Exhibitionism and Public Masturbation was a determination made by a Disciplinary Hearing Officer after a full hearing supported by documentary and testimonial evidence. Plaintiff failed to timely appeal the conviction. As such, Plaintiff has been found guilty of this institutional offense, and publication of his disciplinary record is publication of a true fact. Plaintiff's claim for defamation fails as a matter of law.

Third, publication of the result of an institutional disciplinary hearing (if publication had been undertaken by the named Defendants) is privileged. South Carolina courts have defined qualified (or conditional) privilege as follows: "[t]he essential elements of a conditionally privileged communication may accordingly be enumerated as good faith, an interest to be upheld, a statement limited in its scope to this purpose, a proper occasion, and publication in a proper manner and to proper parties only." Manley v.

Manley, 291 S.C. 325, 331, 353 S.E.2d 312, 315 (Ct.App.1987). "Under this defense of qualified privilege, one who publishes defamatory matter concerning another is not liable for the publication if (1) the matter is published upon an occasion that makes it qualifiedly or conditionally privileged, and (2) the privilege is not abused." West v. Morehead, 396 S.C. 1, 7, 720 S.E.2d 495, 499 (Ct.App.2011), *reh'g denied* (Dec. 2011), *cert. granted* (Mar. 2013) (quoting Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999)). The question of whether a given occasion is one that gives rise to a conditional privilege is a question of law for the court. Id. (citing Swinton Creek Nursery). In the present case, recording of the results of Plaintiff's disciplinary hearing on SCDC's website was covered by a qualified privilege. Publication of an inmate's institutional record is standard on the SCDC website, and this situation was no different.

Finally, it is extremely important to note that Plaintiff has been convicted of Exhibitionism and Public Masturbation on numerous other occasions, all of which are posted on his SCDC Inmate Search Detail Report.[1] Plaintiff's institutional records show convictions for this offense on the following dates (excluding the conviction at issue in the present case): June 21, 2016; March 9, 2015; December 13, 2014; August 9, 2012; December 13, 2011; October 26, 2011; and October 4, 2010. It is hard to fathom how publication of one more conviction for the same institutional offense resulted in any further harm to Plaintiff.

[1] As accessed by Defendants' counsel at the following URL on April 4, 2017: http://public.doc.state.sc.us/scdc-public/inmateDetails.do?id=%2000313000

6. Plaintiff's outrage claim against Defendants Patterson, Roberson, and McCullough fails for numerous reasons.

The tort of intentional infliction of emotional distress, also known as "outrage" arises, "when one by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another." Upchurch v. New York Times Company, 314 S.C. 531, 536, 431 S.E.2d 558, 561 (1993) (citing Ford v. Hutson, 276 S.C. 157, 276 S.E.2d 776 (1981)). In order to recover, a plaintiff must show that:

> (1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain or substantially certain that such distress would result from his conduct; (2) the conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community; (3) the actions of the defendant caused the plaintiff's emotional distress; and (4) the emotional distress suffered by the plaintiff was so severe that no reasonable person could be expected to endure it.
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> Id.

Plaintiff's claim for outrage in the present case fails to satisfy several elements of the standard set forth above. Defendants Patterson, Roberson, and McCullough did not intentionally or recklessly inflict severe emotional distress on the Plaintiff. The conduct of these Defendants in this case was certainly not so extreme and outrageous as to exceed all possible bounds of decency such that it is regarded as atrocious and utterly intolerable in a civilized community. Rather, Defendant Roberson observed an institutional infraction taking place and completed an incident report. Defendant McCullough served as Roberson's supervisor at the time the report was written and signed the report. Defendant Patterson presided over the disciplinary hearing. Clearly, these correctional officers' good faith effort to investigate and prosecute institutional

offenses is not the kind of extreme, outrageous, atrocious and utterly intolerable conduct that is required to maintain an action for outrage.

In addition to Plaintiff's failure to satisfy the elements of the tort of outrage generally, summary judgment is also proper as to this cause of action because any communications from Defendants to Plaintiff were privileged. Where a defendant's actions are privileged, this is a sufficient ground to support summary judgment as to a plaintiff's claim for outrage. Moody v. McLellan, 295 S.C. 157, 162, 367 S.E.2d 449, 452 (Ct.App.1988) (citation omitted). As set forth above, "[t]he essential elements of a conditionally privileged communication may accordingly be enumerated as good faith, an interest to be upheld, a statement limited in its scope to this purpose, a proper occasion, and publication in a proper manner and to proper parties only." Manley v. Manley, cited *supra* at 291 S.C. at 331, 353 S.E.2d at 315. As argued above, Defendants' communications with Plaintiffs were made in good faith, and tailored as set forth in Manley to the circumstances and the needs of the interest to be upheld – that being the need to investigate and prosecute institutional disciplinary offenses. As such, the actions of Defendants Patterson, Roberson, and McCullough in this matter were privileged. Since the Defendants' actions were privileged, summary judgment is proper as to Plaintiffs' claim for outrage.

Based on the foregoing, summary judgment is proper as to Plaintiffs' cause of action for outrage. Defendants' conduct in this case simply did not rise to the level of extreme or outrageous conduct contemplated by this cause of action. Furthermore, Defendants' actions are protected based on qualified privilege.

7. Plaintiff's claim for violation of SCDC policies fails because South Carolina Statute expressly precludes any cause of action for a governmental entity's alleged failure to follow policy.

Plaintiff repeatedly alleges that Defendants violated numerous SCDC policies with regard to the facts and circumstances of this case. Although Defendants disagree, summary judgment is still proper because South Carolina law does not recognize a cause of action against a governmental entity for failing to follow policy. Specifically, S.C. Code Section 15-78-60(4) provides as follows: "**The governmental entity is not liable for a loss resulting from**... (4) adoption, enforcement, or **compliance with any law** or failure to adopt or enforce any law, whether valid or invalid, **including,** but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or **written policies.**" (Emphasis added). This cause of action is clearly barred by the South Carolina Tort Claims Act, and summary judgment is proper as to Plaintiff's claim for violation of SCDC policy.

8. Plaintiff's claim for gross negligence fails for numerous reasons.

The Tort Claims Act provides that "[t]he State, an agency, a political subdivision, and a governmental entity are liable for their torts in the same manner and to the same extent as a private individual under like circumstances, subject to the limitations upon liability and damages, and exemptions from liability and damages, contained herein." S.C. Code §15-78-40. Section 15-78-60 provides a list of exceptions to the waiver of immunity. Several of these exceptions apply to bar Plaintiff's claims in the present case. Section 15-78-60 provides in relevant part, the following:

> The governmental entity is not liable for a loss resulting from:
> (1) legislative, judicial, or quasi-judicial action or inaction; (5) the exercise of discretion or judgment by the governmental entity or

> employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee;...(17) employee conduct outside the scope of his official duties or which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude;...(23) institution or prosecution of any judicial or administrative proceeding...
>
> S.C. Code Ann. §15-78-60(5), (17), (23).

Section 15-78-60(1) provides that the governmental entity is not liable for a loss resulting from quasi-judicial action. The decision of a Disciplinary Hearing Officer is quasi-judicial action, and the governmental immunity referenced in 15-78-60(1) is triggered.

Section 15-78-60(5) provides that the governmental entity is not liable for the exercise of discretion. "The duties of public officials are generally classified as either ministerial or discretionary. The duty is ministerial when it is absolute, certain, and imperative, involving merely execution of a specific duty arising from fixed and designated facts. The duty is discretionary if the governmental entity proves it actually weighed competing considerations, faced with alternatives, and made a conscious decision based upon those considerations." Faile v. South Carolina Dept. of Juvenile Justice, 350 S.C. 315, 330, 566 S.E.2d 536, 544 (quotations omitted). Even assuming Plaintiff's factual allegations involving the participation of the Defendants in the events at issue in this case, any decisions that were made by any of these Defendants were made based upon the exercise of discretion. Defendants also incorporate by reference the extensive arguments set forth above in the discussion of qualified immunity and assert that their actions were clearly discretionary.

S.C. Code Ann. §15-78-60(17), as set forth above, provides that the governmental entity is not liable for a loss resulting from "intent to harm." Therefore,

Plaintiff's claim for defamation is barred by the limitation on the government's waiver of immunity as set forth in §15-78-60(17).

In addition, as set forth above, S.C. Code Ann. §15-78-60(23) provides that: "The governmental entity is not liable for a loss resulting from: (23) institution or prosecution of any judicial or administrative proceeding." Institution of a disciplinary hearing would fall within 15-78-60(23), and the Defendants would be entitled to immunity pursuant under this provision of the Tort Claims Act.

9. To the extent Plaintiff makes a claim for false imprisonment, such claim fails.

Plaintiff appears to make a claim that he was falsely imprisoned by being placed on lockup related to this charge. (See Complaint, ¶21). However, Plaintiff does not provide any further explanation of this allegation, and the Disciplinary Report and Hearing Record attached as Exhibit 1 to the Affidavit of Sharon Patterson (attached to Defendants' summary judgment memorandum) does not indicate that Plaintiff was punished with disciplinary detention as a result of this charge. Nevertheless, to the extent Plaintiff does make a claim for false imprisonment, such claim fails as a matter of law.

"The essence of the tort of false imprisonment consists of depriving a person of his liberty without lawful justification. To prevail on a claim for false imprisonment, the plaintiff must establish: (1) the defendant restrained the plaintiff; (2) the restraint was intentional; and (3) the restraint was unlawful." Law v. South Carolina Dep't of Corr., 368 S.C. 424, 440, 629 S.E.2d 642, 651 (2006) (citations omitted). "An action for false imprisonment cannot be maintained where one is arrested by lawful authority." Id. at

441, 629 S.E.2d 651 (citation omitted). According to the South Carolina Supreme Court, "[t]he fundamental issue in determining the lawfulness of an arrest is whether there was probable cause to make the arrest." Id. (citation omitted). Probable cause is defined as, "a good faith belief that a person is guilty of a crime when this belief rests on such grounds as would induce an ordinarily prudent and cautious man, under the circumstances, to believe likewise." Id. (citation omitted).

In the present case, there is no documentary evidence supporting the contention that Plaintiff was placed in disciplinary detention as a result of the disciplinary hearing in question. However, even if Plaintiff had been placed in disciplinary detention as a result of this hearing, proper procedures were followed during the disciplinary hearing in question (as set forth in detail above). Plaintiff's punishment was the product of a decision by a Disciplinary Hearing Officer after a full hearing in which Plaintiff presented evidence and testimony. As such, any perceived false imprisonment claim must fail.

10. Plaintiff's state law conspiracy claim against Defendant Patterson fails.

The elements of civil conspiracy in South Carolina are: (1) a combination of two or more persons; (2) for the purpose of injuring the Plaintiff; (3) which causes special damages. LaMotte v. Punchline of Columbia, Inc., 296 S.C. 66, 370 S.E.2d 711 (1988). In the present case, Plaintiff has only alleged civil conspiracy against Defendant Patterson. Without at least two members of the alleged conspiracy, this claim fails as a matter of law.

ORDER OF THE COURT

Rule 56 of the *South Carolina Rules of Civil Procedure* specifically provides for relief to a party when there is no genuine issue as to any material fact. In such a case, the moving party is entitled to judgment as a matter of law. The Complaint in this case fails to raise any genuine issue that Plaintiff is entitled to the relief sought. Therefore, after consideration of both the oral arguments made by the parties, as well as thorough review of the written record, the court hereby **GRANTS** Defendants' Motion for Summary Judgment in whole as to all Defendants. This action is hereby **DISMISSED WITH PREJUDICE.**

AND IT IS SO ORDERED!

Hon. R. Ferrell Cothran, Jr.
Presiding Judge, Third Judicial Circuit

~~July~~ Aug 16, 2017

IN THE SOUTH CAROLINA
COURT OF APPEALS

Circuit Court Judge. R. FERBEL Cothran Jr.
Case# 2017-002567

Altony Brooks,

Petitioner,

VS.

Sharon Patterson, Shativa Robertson, miguel williams, Barrett E. Durant, lesia Johnson. S.C.D.C, Sharon Patterson, Keith mcbride, Steven Nolan, [redacted], Mary Bethea, SCDC,

STATE OF SOUTH CAROLINA

Respondent

PROOF of SERVICE

I Altony Brooks hereby certify that I've served the South Carolina Court of APPEALS at Po Box 11629 Columbia SC 29211 (1) copy of the order of Dismissal in the above case by Placing a copy of the same in the US mail Box at Perry correctional Inst, Pre, Paid Postage this 26th day of January 2018. I swear under Penalty and Perjury that the foregoing is true and correct,

S Altony Brooks
ALTONY BROOKS 313000
PCI
430 oaklawn rd
Pelzer SC 29669

RECEIVED
JAN 31 2018
SC Court of Appeals

TO: South Carolina court of APPEALS
V. Clair Allen
Po Box 11629
Columbia SC. 29211

RE: Altony Brooks vs. Sharon Patterson, shatiya Roberson, miguel williams, lesia Johnson, Annie mccullough, Barrette Durant, S.C.D.C, sharon Patterson, keith mcbride, Steven Nolan, mary Bethea, S.C.D.C etal case#(2017-002567)

Dear. Ms. V. Allen,

Enclosed is a copy of Petitioner's copy of the order of dismissal in the lee County court of common Pleas in response to the Courts January 11th 2018 order requesting the order of dismissal in the above case. along with the certificate/Proof of service,

S/ ALTONY BROOKS
ALTONY BROOKS 313000
PCI
430 oaklawn Rd
Pelzer SC, 29669

Date January 26th 2018

Alton Brooks 313000
PCI
4430 oaklawn Rd
Pelzer SC 29669

RECEIVED

JAN 31 2018

SC Court of Appeals

South Carolina Court of Appeals
V. Clair Allen
Po Box 11629
Columbia SC 29211

RECEIVED

JAN 29 2018

P.C.I. MAILROOM

SCDC

JAN 13 '18

COMMISSARY

RECEIVED

JAN 29 2018

P.C.I. MAILROOM