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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT  
SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035  
Docket No. 17-ALJ-04-0591-IJ

Isiah James, Jr., Appellant,

v.

South Carolina Department of Corrections, Respondent.

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
THEREAFTER 2-2-18 ORDER FOR THE COURT

Petitioner asks leave to proceed in forma pauperis in the appeal in re-  
to the 2-2-18 Order which stated:

Because the underlying order dismissed Ap-  
pellant's appeal based on Appellant's failure  
to exhaust administrative remedies, this  
appeal does not implicate a fundamental right  
that requires waiver of the filing fee. Id.

It is based on South Carolina Appellate Court Rule (SCACR) \_\_\_\_\_ and he points:

1. James has filed the initial brief and designation and it addressed therein:  
Judge Robinson issued the 1-12-18 Order (see Attachment) which rescinded or over-  
ruled the December 1917 Order;
2. The Court should review the initial brief of appellant prior to considering  
how to rule on the petition herein;
3. The initial brief specifically point to the manner in which appellant wished  
to proceed herein;
4. James intends to attach the 1-12-18 order in the appeal which was not dis-  
missed on the basis of failure to exhaust administrative remedies;

This 10 day of February 2018.

*Isiah James Jr.*  
Isiah JAMES, Jr.  
1810 O Street  
Brunswick, Georgia 31520-5445

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT  
SHIRLEY C. ROBIVSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000055  
Docket No. 17-ALJ-04-0591-IJ

Isiah James, Jr., Appellant,

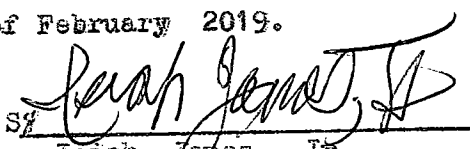
v.

South Carolina Department of Corrections, Respondent.

PROOF OF SERVICE

Isiah James, Jr., hereby certifies that he serve SDC's attorney, Christina C. Bigelow at POB 21787, Columbia, SC 29221 by mail, postage prepaid, with the petition and attachment this 12 day of February 2019.

S/

  
Isiah James, Jr.

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SC Court of Appeals

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883, )  
 )  
 Appellant. )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 )

Docket No.: 17-ALJ-04-0591-IJ  
Grievance No.: GCI 20-17

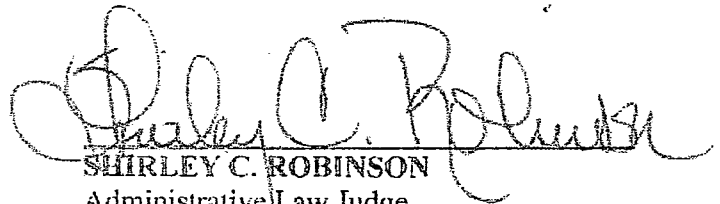
**ORDER**

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

**AND IT IS SO ORDERED.**

  
SHIRLEY C. ROBINSON  
Administrative Law Judge

January 12, 2018  
Columbia, South Carolina

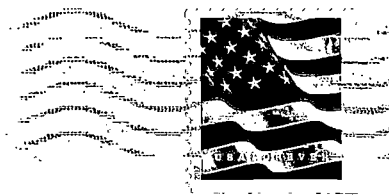
**FILED**

JAN 12 2018

Isiah JAMES, Jr,  
1810<sup>th</sup> Street  
Brunswick, Georgia

JACKSONVILLE FL 320

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Court of Appeals

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