

SOUTH CAROLINA COURT OF APPEALS

RECEIVED

FEB 22 2018

SC Court of Appeals

CLERK JENNY A. KITCHING

FEB 16TH 2018

P.O. BOX 11629 - CO. S.C. 29211

RE: MATIJO VS. STANUS CN: 2017-002533

NOTICE AND MOTION Rule 60(b) Relief From JUDGMENT ORDER

Appellant Moves, Judge Paul E. Short Jr., to GRANT NOTICE AND MOTION Rule 60(b) From Relief From Judgment OR ORDER BASED ON Below Judicial, Meritor Exhibits, CONST. Axioms, CASE LAWS, STATUTES ETC.

GROUND 1

Exh. A, Financial Certificate, Peggy Cauthan, Fiscal Analyst 1, valuate's Indigency 1/12/18, AND ENTITLED to Filing Fee waived. Title 28 U.S.C § 1915(b)(1) [MORROW V. HARRIS, 112 F.3d 788, 789 (5th Cir. 1997)]; 28 U.S.C § 1915(A)(2); Rule 24(a)(3); [815-9-20] AS AMENDED BY 2008 S.C. ACT. NO. 281, § 1. IF STATUTE NOT ABIDED BY AND Filing Fee waived THE COURT ABUSED DISCRETION AND COMMIT(S) [FRAUD]

"(A JUDGMENT MAY BE SET ASIDE ON THE GROUND OF FRAUD ONLY IF THE [FRAUD] IS 'EXTRINSIC' & NOT '(INTRINSIC)' [EXTRINSIC FRAUD] IS '(FRAUD THAT INDUCES A PERSON NOT TO PRESENT A CASE OR DEPRIVES A PERSON OF THE OPPORTUNITY TO BE HEARD)'";

SEE ALSO Rhame v. Charleston Co. School Dist. 399 S.C. 477, 732 S.E.2d 202 (CT. APP. 2002) WRIT CERTIORARI GRANTED; RANDUCCI V. CRAIN, 409 S.C. 493, 500, 763 S.E.2d 189, 192 (2014) JUSTICE SHAW V. HARDEE 371 S.C. 495, 498, 640 S.E.2d 457, 459 (2007) "(WHEN A STATUTE'S TERMS ARE CLEAR & UNAMBIGUOUS ON THEIR

II.

IS NO ROOM FOR STATUTORY CONSTRUCTION & A COURT MUST APPLY THEM ACCORDING TO
"ITS LITERAL MEANING";

, GROUND II,

5TH AMEND. ACCESS TO COURTS; 14TH AMEND. DUE PROCESS LEGAL PROTECTION IS BEING
MADICIOUSLY DENIED BY DEFENDANT'S SANDSTRAITLY EXHIBITS, B. - C. (VALIDATE APPELLANT
HAS YET TO GO TO LAW LIB. COMPUTER AND BEEN TO INSTITUTION SINCE, SEPT. 2017).

, CPL. TAMMY MEGRET WRIGHT IS NOW DOING BOUNDS TWICE A WEEK. SHE HAS POWERS
OVER LAW LIB COMPUTER. APPELLANT NEEDS TO VIEW BROTHER EXP. MARTIN WAS: (1) DENIED
WITH IFP FINANCIAL CERTIFICATE AND IFP WORK AND: (2) DID HE HAVE IFP FINANCIAL CERTIFICATE
TO PRESENT TO COURT? THIS IS ALSO SCDC POLICY GA-0603: 9.1 LAW LIB COMP. (37.5)
HRS. WEEK. ACA/CAC STANDARDS: 4-ACRS-6A-01, 4-ACRS-6A-02, 4-19268, BOUNDS
V. SMITH 99 S. Ct. 1491 (1992); LEWIS V. CASEY 116 S. Ct. 2124 (1996)

, GROUND III,

EXHIBITS, D. - E. (VALIDATE APPELLEE HAS 3 HIGHER INTENSITY OUTPATIENT TREATMENT
ON LOXAPINE 5mg. PSYCHOTROPIC MEDS PROTECTED BY STATUTE [ADA § 18132] & COUNSEL
IS WARRANTED FOR APPEAL BEING COURT OF APPELLEE HAS STATED THAT DISTRICT COURT WAS
WRONG IN DENYING COUNSEL CLAIMING "FACTUALLY SIMPLE & LEGALLY STRAIGHT FORWARD"
AND IT INVOLVED MEDICAL RECORDS 2/M COMPLAINTS OVER 2 YRS AND WILL REQUIRE
EXPERT TESTIMONY E-TO) [GREEN V. DALEY, 414 F.3d 645, 638 (1ST CIR. 2005);
MONTGOMERY V. PINTCHAK 294 F.3d 492, 504 (3RD CIR. 2002)]

III.

"PRAYER FOR RELIEF"

WHEREFORE, DUE TO ABOVE VALID GROUNDS, CASE LAWS ETC. APPELLANT MOVES HONORABLE COURT OF APPEAL, TO GRANT IFP FILING FEE. @ APPOINT COUNSEL.

③ SEND TRANSCRIPT; ④ ORDER DEFENDANTS ALLOW APPELLANT USE LAW LIB. COMPUTER. "CRIME IS CONTAGIOUS IF THE GOVERNMENT BECOMES THE LAW BREAKER, IT BREEDS CONTEMPT FOR THE LAW" U.S. SUPREME COURT JUSTICE LOUIS P. BRANDIS

1856-1941

I SO HUMBLY MAKE ON THIS DAY OF, 16TH, MONTH OF, FEB, 2018

s/ Shahid Majid

SHAHID H. A. MAJID #199398 ADA-ROUSE
1.C.1. P.O. BOX 205-RHU #118
Ridgeville, S.C. 29472

AFFIDAVIT OF SERVICE

I ATTEST UNDER PENALTY OF PERJURY THAT ATTACHED
DOCUMENTS ARE CONCLUSIVE, JUDICIAL AND MERITIAL
ON THIS DAY OF 7th MONTH OF FEB. 2018

EXPIRATION DATE: 6-20-26

S/ [Signature]
NOTARY PUBLIC

S/ Abdul Majid

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SC Court of Appeals

RECEIVED

JAN 10 2018

MAIL ROOM
LIEBER C.I.

EXM.A

FINANCIAL CERTIFICATE
FOR THE
DISTRICT OF SOUTH CAROLINA
(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

SCDC-FINANCIAL ACCTG
2018 JAN 11 PM 3:14

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full filing fee required by 28 U.S.C. § 1914 (currently \$350.00), I will send with my complaint an initial installment payment, required by 28 U.S.C. § 1915, equal to the amount calculated and entered on line four by the authorized officer signing this form.

I recognize that by filing this case, I am required to pay the full filing fee (or the remaining unpaid portion of the filing fee by installments if necessary) under 28 U.S.C. § 1915(b) even though I am requesting to proceed *in forma pauperis*. I authorize and consent to collection of the filing fee in accordance with 28 U.S.C. § 1915 until the filing fee is paid in full.

SHAHID NAJID
INMATE NAME (PRINTED)

19937P
INMATE (PRISONER) NUMBER

Shahid Najid
INMATE SIGNATURE

LIEBER CORR INST.
PLACE OF CONFINEMENT

- ◆ (1) Average monthly deposits to the inmate's account.....\$ 0
- ◆ (2) Average monthly balance in the inmate's account calculated for the prior six months period.\$ 6.30
- ◆ (3) Current Balance\$ 6.30
- ◆ (4) Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2).....\$ 0

(Previous Hold on Account)

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

Peggy Cawthon
Authorized Officer's Signature

1/12/18
Date

Peggy Cawthon, Fiscal Analyst I
Authorized Officer's Name and Title

EXH. B.

Inmate Request

Today's Date: 1/8/18 8:29

Name: MOSELEY, ARTHUR
Booking #: SCB0020945
Permanent #: SCP0020945

Reference #: 18-792752
Date Requested: 11/03/17 09:10
Request Type: Legal
Requested By: Paper Form

Request Details: G.A.01.03 Access To Court: 4 I/M Clerks; 4.3; 9. computer time 36 Hrs. week; 9.6.1 Law Books. Above violated by law lib. ofc. Tammy Meggett Wright. She makes no rounds Tues. or Thurs. with Law Clerks and Books. Thurs. 2nd sent ofc. Gaskins upstairs to get R.T.S. for books etc. But not downstairs. I haven't received S.C. Tort book or copies since transferred here a month ago nor does Law clerks come. I have a 11/30/17 deadline and an appeal other litigation. Resolutions: 1) Law clerks make rounds Tues./Thurs. with law lib. ofc.; 2) suspension of Wright 30 days no pay and new law lib. ofc. 3) Receive computer time & law books.

Disposition: Complete
Officer: Annie Rumler
Disposition Date: 01/08/18 09:14

Request Responses

Date	Author	Note
01/08/18 09:15	c058106	I contacted your institution to look into your concerns. It is my understanding that law library access for inmates in RHU is being handled in accordance with policy.

911 LEAD

EMERGENCY

911

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

RECEIVED

ADM. Sec. 501

8/12/18

JAN 02 2018

TO: NAME: IGC	TITLE:	DATE: 1/1/18	WARDEN'S OFFICE LIEBER C.I.
INMATE'S NAME: SMITH		SCDC #: 1991398	
INSTITUTION: L.C.I.		LIVING QUARTERS: FMU # 118	

I've yet to go to LAW LAB. COMPUTER AND BEEN BACK HERE SINCE SEPT. 2017. WARD. / A/W MARTELL YOU HAVE SAID Tue-S/Tues!

I HAVE: (1) 2018-CP-40-2158 1/22/17 10A.M. MASIO VS. SCDC
 (2) 2017-CO2533 MASIO U.S. STAVENS APPEAL COURT OF APPEALS DET. TRISH

I NEED TO USE COMPUTER IMMEDIATELY. I WOULD LIKE TO SPEAK WITH YOU ON THIS PLEASE!

MAY GOD BLESS

DISPOSITION BY STAFF MEMBER:

Duplicate request # 18-78761
 Sent to A/W Martell/Ward on 1/1/18
 Please allow them to request

DATE: 1/2/18	SIGNATURE: P. S. [Signature]
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EX. III. EX. D. 1



Social Security Administration
PHILA NORTHEAST PA

Date: July 17, 2017
Claim Number: XXX-XX-2030 DI

Name: SHAHID LATIF MAJID

SHAHID LATIF MAJID
1904 CHURCH ST
PHILADELPHIA, PA 19124-4013

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Supplemental Security Income Payments

For the period 1/2011 to 12/2014 you received a total of \$ 22,962.00 in Supplemental Security Income benefits.

Beginning February 2014, the current Supplemental Security Income payment is \$ 0.00.

This payment amount may change from month to month if income or living situation changes.

Supplemental Security Income Payments are paid the month they are due. (For example, Supplemental Security Income Payments for March are paid in March.)

Our records show that you became disabled on March 1, 2011.

Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

Things To Remember

Get your benefit verification notice online, visit www.socialsecurity.gov/myaccount to set up your my Social Security account.

130.

EXH. A

EXH. A, # 3509

G.A.H

EXH. D. 2

911

EMERGENCY

911

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

ADD. REC. 304

8/2/08

TO: NAME: RN SALLY DAVIS / Psych	TITLE:	DATE: 7/29/17
INMATE'S NAME: SHANID MARION ADA-PROSE	SCDC #: 199039	
INSTITUTION: KIOI	LIVING QUARTERS: C/P #9	

MAM, THE DOC. JUSTICE I THINK PUT ME BACK ON MENTAL HEALTH AND MEDS WEDNES. 26TH! THE SESSION WAS NOT CONFIDENTIAL AND I COULDN'T CONCENTRATE TO KNOW BELOW! PLEASE ANSWER BELOW! MENTAL HEALTH CAME 3 TIMES SINCE BUT REFUSED TO SEE ME!

1) What is name of Psy. Meds! and dosage!?

2) What is my mental health level!?

3) Who is my mental health counselor!?

4) Who is ~~the~~ Doc. that put me back on mental health!?

MAY GODBLESS

DISPOSITION BY STAFF MEMBER:

Lokapure
ms. Gardner is your counselor
Dr. Justice
MHB

DATE: 8-7-17	SIGNATURE: 
-----------------	---

14M, Ex. E1

6.1.2 Residential Care: Residential mental health services are provided for inmates with moderate to severe symptoms who need frequent, ongoing mental health care and services in a therapeutic environment. Each Residential Care Program has its own LOC identifier:

- Substance Abuse Treatment - LOC Classification Code: SA

- Habilitation Program - LOC Classification Code: ID

- Behavior Management Unit - LOC Classification Sub: BU

- Intermediate Care Services - LOC Classification Code: L2

- Self Injurious Behavior Program - LOC Classification Code: LC

6.1.3 Outpatient: Inmates who have the ability to function in general population may be housed in general population or structured living units. Outpatient inmates are mildly to moderately impaired and/or need monitoring due to a need for medication management, recent move from higher level of care, history of self injurious behavior or mild/moderate symptoms present and/or to maintain stability. There are two (2) levels of outpatient care:

- Higher Intensity Outpatient Treatment: LOC Classification Code: L3; and

- Lower Intensity Outpatient Treatment: LOC Classification Code: L4.

6.1.4 Assignment will be based on review of treatment needs. Inmates who are on more complex medication regimens, or viewed as being less stable or more needy, are classified as Higher Intensity. Institutions designated as suitable for housing Higher Intensity Outpatients will be staffed at a higher level to accommodate additional mental health programming.

6.1.5 Work Release Eligible: Inmate has one or more mental health diagnoses; however, the individual's symptoms are in remission and/or well controlled with treatment. If a mentally ill inmate is considered eligible for work release, his/her case is reviewed on an individual basis by the Treatment Team and the chief psychiatrist to determine if his/her treatment plan can be continued in a work release program (LOC Classification Code: L5).

EX. 2

5.3.3 Individual counseling services are private through confidential sessions between the inmate and his/her assigned QMHP, Clinical Supervisor, Psychiatrist, or other mental health professional. Counseling sessions provide a supportive environment for the inmate to address feelings, thoughts, and behaviors associated with his/her mental illness and identify goals, objectives, and strategies that foster changes in thinking patterns, an understanding of self-actualization, learning new skills, and/or ways to diminish problem behavior.

5.3.4 All inmates identified as mentally ill (Mental Health Classification L1, L2, L3, L4, or L5) must be monitored by mental health staff, regardless of whether or not psychotropic medication is prescribed, or whether or not the inmate is compliant with his/her prescription medication.

- L1 Hospitalization - Male inmates are placed in Gilliam Psychiatric Hospital. Female inmates are placed in a contract facility. Mental health professionals see the inmate at least weekly or more routinely if clinically indicated.

- L2 Intermediate Care Services (ICS) - Inmates' ability to function is severely impaired due to mental illness. There are active symptoms of major mental illness with impaired reality testing or multiple failures to conform behavioral functions in a lowered level of care. Inmates are seen at a minimum of twice per month by a QMHP, or more routinely if clinically indicated.

- L3 Higher Intensity Outpatient Treatment - Inmates' ability to function in a general population is moderately impaired due to mental illness. They are easily overwhelmed by everyday pressures, demands, and frustrations, resulting in disorganization, impulsive behavior, poor judgment, delusions, hallucinations, or other exacerbations. They are seen by QMHPs at least monthly, or more routinely if clinically indicated, and require a treatment plan update every three (3) months.

- L4 Outpatient - Inmates may be housed in general population or structured living unit. Inmate's ability to function in general population is mildly impaired or needs monitoring due to change in medication, recent move from higher level of care, or history of self-injurious behavior. They are seen by QMHPs at least every ninety (90) days, or more often if clinically indicated, and require a treatment plan update every six (6) months.

- L5 Work Release Eligible - Inmates carry a mental health diagnosis, symptoms in remission, eligible for KOP (carry on person) medication. Inmates' ability to adjust and function in general population is not impaired due to mental illness. They are seen by QMHPs at least every six (6) months, or more if clinically indicated, and require a treatment plan annually.

THE SOUTH CAROLINA COURT OF APPEALS

CLERK JENNY A. KITCHINGS

FEB. 16TH 2018

P.O. BOX 1162 - Pd. S.C. 29211

RE: MAJID VS. STEVENS C/N: 2017-002593

DEAR CLERK KITCHINGS:

MADAM, Please find enclosed (1) NOTICE & MOTION TO PROCEED
IN FORMA PAUPERIS; (2) NOTICE & MOTION Rule 60(A) Relief FROM JUDGMENT
ORDER. Please forward copies to JUDGE PAUL E. SHORT JR., that did
FEB. 1. 2018, ORDER, AND RETURN CHECKED STAMPED COPIES ENCLOSED TO ME
AT BELOW ADDRESS VIA Rule 2(a) AND 5 FILING & SERU. ON THIS DAY of 16TH
MONTH of FEB, 2018

s/ Shahid Majid

SHAHID L. MAJID #199998 ADA-PROSE
L.C.J. P.O. Box 205 - BNU #118

Ridgeville, S.C. 29412

RECEIVED

FEB 22 2018

SC Court of Appeals

SHAHID L. MAJID

SILVANO L. MATIJO #199398 ADA-PROCE
L.C.I. P.O. BOX 205 - BHU #1A
Ridgely, SC 29472

TIME
SENSITIVE
MATERIAL

FIRST CLASS



RECEIVED

FEB 20 2018

MAIL ROOM
LIEBER C.I.

RECEIVED

FEB 22 2018

SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS

CLERK JENNY A. KITCHEN

P.O. BOX 1162 - COLUMBIA, S.C. 29211

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