

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY

Administrative Law Court

Phillip S. Lenski: Administrative Law Judge

Case No: 17-ALJ-04-0491-AP

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MAY 21 2018

SC Court of Appeals

Torrey DeAund Manning #364781

Plaintiff,

v.

South Carolina Dept. of Corrections.

Defendant.

Appellate Case No. 2018-000548

MOTION FOR PROHIBITORY INJUNCTION

The plaintiff, Torrey DeAund Manning #364781 moves the court, pursuant to Rule 65 of the South Carolina Rules of Civil Procedure to enter a prohibitory injunction enjoining the defendant / South Carolina Dept of Corrections from applying S.C. Ann. § 24-13-100 and 24-13-150 to the sentence of S.C. Ann. § 44-53-370 E) 3) A) 1.

In support of the motion the defendant shows the following to the court.

1) The Plaintiff will suffer immediate injury because S.C. Code An 24-13-100 and 24-13-150 is depriving him

of earned work credits and Educational Credits which should be applied to his sentence. Resulting the plaintiff's incarceration time to be longer. Furthermore because S.C. Code Ann § 24-13-100 is a state statute which denies the plaintiff a parole hearing. It is the cause of the irreparable injury, because the time for a parole hearing has passed and a recurent of the violation is threatening. The plaintiff is requesting the injunction to prevent the immediate injury of doing more incarceration time than he has to. For his sentence is close to completion with the provisions of parole eligibility and supervised furlough, work release which are the provisions he is entitled to. Because state statute S.C. Code Ann § 44-53-370E when read as a whole and not in part establishes Liberty Interest. Making the two state statute S.C. Code Ann § 24-13-100 and 24-13-150 a Constitutional violation of the plaintiff's due process of the 14th Amendment.

2) Any legal remedy would be inadequate in this case because the time it would take to litigate on the issues, the plaintiff would suffer the recurrent Constitutional violation of Due Process under the 14th Amendment to parole eligibility and supervised furlough, work release which is established by South Carolina Code of Laws S.C. Code Ann §

44-53-370(E). Making the plaintiff entitled to these provision. Causing the Dept. of South Carolina Corrections (SCDC), to be Arbitrary of the Law. Because S.C. Code Ann 24-13-100 and 24-13-150 isn't in harmony with the plaintiff's sentence S.C. Code Ann 44-53-370 E) 3) A) 1. Because his sentence doesn't contain the mandatory minimum language of not less than 25 years. So the plaintiff is entitled to a parole hearing, making the statutes S.C. Ann ^{Code} § 24-13-100 and 24-13-150 unconstitutional to his sentence.

3) The plaintiff offers this affidavit of Torrey DeAund Manning #364781 in support of this motion.

4) Because the plaintiff is a pro se litigant he certifies that prior consultation with counsel for the defendant about this motion would serve no useful purpose. Because plaintiff has requested relief to the defendant, South Carolina Dept. of Correction / SCDC to handle the issue in Administrative Law Court and the attempt was futile. So consulting with the defendant counsel would be useless.

Wherefore, the Plaintiff moves that the Court award it the following relief.

1) Enter a Prohibitory Injunction restraining and enjoining the defendant / SEDC and any persons acting in concert or participation with the defendant from Applying S.C. Code Ann § 24-13-100 and 24-13-150 to the Sentence of S.C. Ann § 44-53-370 E) 5) A) 1).

2) Grant such other and further relief in favor of the plaintiff as the Court deems just and appropriate.

Date of Service
May 17, 2018

J. DeAngelo
#364781 Torrey DeAund Manning
Kirkland C. I.
4344 Broad River Rd.
Columbia, S.C. 29210

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Torrey DeAund Manning #364781 Appellant,

v.

South Carolina Dept. of Corrections Respondent,

Appellate Case No. 2018-000548

Proof of Service

I certify that I have served the motion for Prohibitory Injunction on Respondents by depositing a copy of it in the United States Mail, postage prepaid on May day 17, 2018 . Addressed to South Carolina Department of Corrections attorney of record Melissa J. Arnold at 4444 Broad River Road Columbia, S.C. 29221 and upon the Honorable Judge Phillip S. LenSKI, Administrative Law Court, Edgar A. Brown Building 1205 Pendleton Street, Suite 244 Columbia, S.C. 29201, South Carolina Court of Appeals. P.O. Box 11629 Columbia, S.C. 29211.

Date of Service
May 17, 2018

Joy at J
364781 Torrey DeAund Manning
Kirkland C. I
4344 Broad River Rd.
Columbia, S.C. 29210

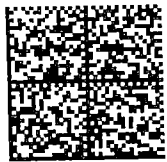
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