

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Administrative  
Law Court  
Ralph King Anderson, III,  
Administrative Judge

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**RECEIVED**

DEC 13 2018

SC Court of Appeals

Supreme R. Ackbar  
a/k/a Ronald B. Gary

Appellant

v

South Carolina Department of Corrections

Respondent

Appellate Case No. 2018-001949  
(18-ALJ-04-0112-AP)

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APPELLANT'S INFORMAL BRIEF

Supreme R. Ackbar  
Perry C.I.,  
436 Oaklawn Rd.  
Pelzer, SC 29669

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## TABLE OF AUTHORITIES

Prince v. Beaufort Mem'l Hosp., 392 S.C. 599, 611, 709 S.E. 2d 122, 198 Cct. App. 2011.)  
Overcia v. United States, 289 U.S. 466, 469, 53 S.Ct. 698, 77 L.Ed 1321 (1933)  
Geders v. United States, *supra*, 425 U.S. at 86, 96 S.Ct. at 1334  
Twombly, 550 U.S. at 555, 127 S.Ct. 1955

### Other

Appeal And Error Key 946

Pretrial Procedure Key 681

Appeal And Error Key 1031 (3)

28 C.F.R. § 68.9 (b)

Procedure Key 554

## STATEMENT OF ISSUE ON APPEAL

Did the admin. law court error in issuing an order with prejudice?

## STATEMENT OF THE CASE

On September 23, 2017 the appellant submitted a Step 1 grievance for Filing (LC1-0780-17). After violating the Policy and Procedures of SOSC the record clearly evinces the Respondent failing to file the aforesaid grievance on Oct. 9, 2017.

The IGC received the aforementioned grievance on 10-12-17 but did not take any action. On 11-8-17 Warden Randall William responded. On December 8, 2017 the appellant filed a step 2 grievance. Subsequently the appellant was compel to file an appeal in administrative law court on March 20, 2018. On Oct. 17, 2018 the admin. law court dismissed the appellant's case with prejudice. This appeal follows.

## ARGUMENT

Did the admin. law court error in issuing an order with prejudice?

On October 17, 2018 the admin. law court with clear prejudicial intent falsely claimed that the appellant filed a grievance on October 9, 2017. See Appeal And Error Key 946 (Abuse of discretion occurs when there is no evidence to support the Judge's factual conclusion or when ruling is based upon error of law.) See Step 1 Grievance LCI-0780-17. This evidentiary document unequivocally shows that on 9-23-17 the appellant submitted this document for filing. On 10-9-17 this document was stamped for the first time. On 10-12-17 the IGC acknowledged reception. The Appellant asserts this document clearly reveals the IGC did not take any action in this matter on 10-9-17 or after and its plain and obvious. See Pretrial Procedure Key 681 (A trial court's ruling on a motion to dismiss on the pleadings must be bottom and premised solely upon the allegations set forth by the Plaintiff.)

Here the admin. law court with clear prejudice and a wretched disregard for the truth erringly denies the appellant's Fourth, Fifth, Sixth, Eighth and Fourteenth Amendment claims because the appellant did not specifically raise these claims in the Step 2 Grievance. See Appeal And Error Key 1031(3). (Admitting incompetent evidence having some probative value upon a material issue of fact in the case is presumed to be prejudicial.) The appellant asserts the admin. law court's claim is not base upon the allegations set forth by the appellant's Step 1 grievance according to law or the facts thereof. Further the appellant accused Warden Anderson in this matter and Warden Anderson never made a response. See 28 C.F.R. § 68.9 (b)

Additionally the appellant asserts the Respondent did not raise this infirm claim as a defense nevertheless the admin. law court raised the claim for the Respondent. See Prince v. Beaufort Mem'l Hosp., 392 S.C. 599 611 707 S.E. 2d 122, 128 Oct. App. 2010

("It is axiomatic that an issue can not be raised for the first time on appeal, but must have been raised to and ruled upon by the [fact finder] to be preserved for appellate review."); The trial Judge has the responsibility to maintain decorum in keeping with the nature of the proceeding; "the Judge is not a mere Moderator but is the governor of the trial for the purpose of assuring its proper conduct. Quercia v. United States, 289 U.S. 466, 467, 53 S.Ct. 698, 77 L.Ed. 1321 (1933). The Judge "must meet situations as they arise and [be able] to cope with ... the contingencies inherent in the adversary process." Geders v. United States, *supra*, 425 U.S., at 86, 96 S.Ct., at 1334.

Here the admin. law court could not cope with ... the contingencies inherent in the adversary process but instead acted with prejudice by finding the appellant's traumatic suffering "conditions of confinement" and by falsely claiming the record is unclear whether a lock down actually occurred. See Step 1 and Step 2 grievances LC1-0780-17 and the Respondent's Briefs and Motions. The appellant asserts that at no time during pretrial did the Respondent deny or offer any evidence there wasn't a lock down. Further the appellant file a verified statement in this matter and the admin. law court's order of prejudice does not enter any sanctions against the appellant for perjury. See Appellant's Verified Statement of Fact.

To survive Motion to dismiss, Complaint must contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face, claim has "facial plausibility" when Plaintiff pleads factual content that allow the court to draw reasonable inference that defendant is liable for misconduct alleged. Twombly, 550 U.S. at 555, 127 S.Ct. 1955. The Appellant asserts the admin. law court erred in failing to treat the appellant's Motion for summary judgment as a motion to dismiss in accordance with pretrial procedure Key 554 and its plain and obvious.

Finally the admin. law court knows that verification is a clear requirement and Respondent failed to do so nevertheless the admin. law court filed an order with prejudice in favor of Respondent in order to harass the appellant and cause

unnecessary delay, and needlessly increase the cost of litigation," by making factual contentions without evidentiary support and its plain and obvious the AWS erred in issuing an order with prejudice.

CONCLUSION

Based on the above argument, the admitt. law court's order with prejudice should be reversed and the case remanded for a new trial consistent with the appellant's evidentiary supported facts.

Respectfully Submitted  
Supreme R. Ackbar  
SUPREME R. ACKBAR  
Pro Se Litigant

Sworn to and Subscribed before me  
this 14 day of November, 2018  
Tamaia Conwell

Notary Public for South Carolina

My Commission expires ~~My~~ Commission Expires  
September 25, 2023

Supreme R. Ackbar  
Signature of Appellant

11-11-18

CERTIFICATION

I, Supreme R. Ackbar, hereby certify that on December 11, 2018 I caused true copies of Appellant's informal Briefs to be served via Perry C.I. Mail room with postage prepaid addressed as follows;

The Honorable Ralph King Anderson, III  
Administrative Law Court  
Edgar A. BROWN Building  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201

Office of General Counsel  
P.O. Box 21787  
444 Broad River Rd,  
Columbia, SC 29221-1787

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SC Court of Appeals

12-6-18

V. Claire Allert, Deputy Clerk  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Ackbar v SENC

Appellate Case No. 2018-001949

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SC Court of Appeals

Dear Deputy Clerk

Prior to the receipt of your letter dated 11-27-18 I was meticulously pondering upon your previous letters. After your recent letter I've decided to show you how the balance of hardship is now tip in my favor.

For instance you complained of the writing upon the order however you did not specifically claim that the writing obscured or impaired your ability to discern the contents of the order.

Based upon this fact I claim that "You and the court" can clearly see the ALC informing you all that I submitted notice of verification and a verified statement of fact. See Stade v. Pace (S.C. 1974) 316 S.C. 71, 447 S.E.2d 186 (The trial judge must act with absolute impartiality in the performance of judicial duties.)

Via the order we can clearly see the Malice of the ALC's order because the Respondent clearly failed to verify a defense in this matter. See 20 S.C. Jur. Libel and Slander § 45. Verification, (... When a report is based on an obviously unreliable source, failure to verify the report may amount to actual malice.)

The ALC clearly submitted the order with prejudice therefore the malice therein is plain and obvious. See Rule 52(b)

Also I've enclosed for filing in your court two (2) informal briefs and a certificate of service. The other material is awaiting the case number or service of process and as you can see this case is already into awaiting civil matter. See Chavers

V. Abrahamson, 803 F. Supp. 1512, 1514 (E.D. Wis 1992) (deprivation of legal materials denies court access only if they are "crucial or essential to pending or contemplated appeal").

I pray that you contact everyone and you all deviate from needlessly delaying in granting Injunctive Relief.

Sincerely,  
Supreme R. Achbar

Sworn to and subscribe before me

this 6th day of December, 2018

Iamara Conwell

Notary Public for South Carolina

My Commission expires September 25, 2023

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Supreme R. Achbar

Signature of Plaintiff

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DEC 06 2018

P.C.I. MAILROOM

12-4-18

Supreme K. Ackbar  
a/k/a Ronald B. Gary 275886  
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Pelzer SC 29669

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DEC 10 2018

SC Court of Appeals

V. Claire Allen, Deputy Clerk  
The South Carolina Court of Appeals  
P.O. Box 11027  
Columbia, SC 29211

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DEC 11 2018

P.C.I. MAILROOM