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JAN 28 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
ADMINISTRATIVE LAW JUDGE H.W. FUNDERBURK, JR.

ALC Case No. 18-ALJ-04-0211-AP
Appellate Case No. 2018-001896

SHAWNDELL MONTE MCFARLIN, # 200701,
Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS(2),
Respondent.


MOTION FOR DEFAULT

Shawndell Monte McFarlin
Shawndell Monte McFarlin
SCDC Number 200701
610 Hwy. # 9, West
Bennettsville, S.C. 29512

1. The Appellant objects and make this Motion For Default due to Respondent's failure to answer the Complaint in a timely fashion.
2. The Prison Industries Wire Harness, private sector company at Evans C. I., now called Midcon Cables Company, is a program that is Federally certified and operates under various state statutes. Accord *Torrance and Ward v. S.C. Dept of Corr.*, 373 S.C. 586, 646 S.E.2d 866 (2007).
3. The Appellant has a state-created interest in being fairly selected from a large number of persons, all of whom stand in the same relation to the employment offered.
4. The Appellant has a state-created interest in being paid the prevailing wage.
5. The Appellant has a state-created interest in his prison account and in his escrow savings account.

6. The Supreme Court of South Carolina stipulated in *Torrence, supra*, that a state-created right cannot thereafter be denied "without affording due process of law."
7. Appellant contends that he was unlawfully terminated from his employment in Prison Industries, without just cause; and subsequently, denied due process of law because of SCDC Policy GA-01.12.

WHEREBY, the administrative law judge's order is (a) in violation of constitutional or statutory provisions; or (b) in excess of the statutory authority of the agency, (c) made upon unlawful procedure; or (d) affected by other error of law. A separation of powers, arbitrary or capricious or characterized by abuse of discretion.


Shawndell Monte McFarlin
SCDC Number 200781
610 Hwy. # 9, West
Bennettsville, S.C. 29512

January 22, 2019

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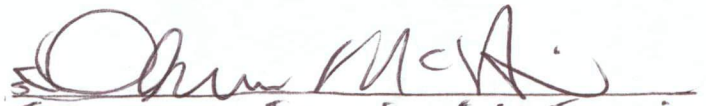
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (2),
Respondent.

PROOF OF SERVICE

Undersigned counsel hereby certifies that on this date, he mailed a Motion For Default and Proof of Service to: Jenny Abbott Kitchings, and to the Office of General Counsel, P.O. Box 21787, Columbia, S.C. 29221-1787.

January 22, 2019


Shawndell Monte McFarlin
SCDC Number 200701
610 Hwy. # 9, West
Bennettsville, S.C. 29512

Shawndell M. McFarlin
S.C.D.C. No. 200701
610 Hwy. # 9, West
Bennettsville, S.C. 29512

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S.C. Court of Appeals
Attn: Jenny Abbott Fitchings, Clerk

Post Office Box 11629

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