

SOUTH CAROLINA COURT OF APPEALS
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Alton Brooks
Plaintiff

FEB 04 2019

Case: 2018-001907

v.
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,
CHRISTOPHER WILLIAMS, Capt. H. ROOS, Capt. DUFFY,
MAJOR EARLY, Lt. CHURCH, SA TUCKER, AMY CRAWFORD,
OFFICER MITCHELL, OFFICER RIVERA, JOHN DEWEY, and
SOUTH CAROLINA BUDGET and CONTROL BOARD,
Respondents

Plaintiff motion in affidavit ~~and~~ to
~~amend~~ alter and amend Judgment
under S.C. RCP 59 or relief from
Judgment as excusable neglect under
S.C. RCP 60 B 1 and to retrieve lower
court records of Plaintiff original complaint
granting Informa Pauperis so plaintiff could proceed
in this appeal.

Plaintiff states that the January 15th 2019 order signed by the court dismisses the case provided by Ex Parte Martin, 321 S.C. 533, 471 S.E.2d (1995) in which the plaintiff eventually was able to proceed Informa Pauperis, as he meet the requirements of the statute to appeal and receive Informa Pauperis upon his appeal to the higher court. Petitioner, submits that S.C. RCP (3) states you may only be allowed to proceed Informa Pauperis in your tort action if the circuit court grants you leave to do so. Rule 30 (a) of the South Carolina Rules of ~~Civil~~ Civil Procedure (R) Plaintiff who desires to file an action Informa Pauperis shall file in court a motion to leave to proceed Informa Pauperis, together with the complaint proposed to be filed and an affidavit showing the Plaintiff inability to pay the fee required to file the action. If the motion is granted, the Plaintiff may proceed without further application and file complaint in the court without payment of his fees. Therefore, if you want to proceed Informa Pauperis in any of those actions you will need to make an appropriate motion to the circuit court.

Plaintiff submits that he did not initially attach the civil complaint when filing his motion to leave to proceed Informa Pauperis and thus the court denied the Plaintiff for submitting the complaint for the courts review to see if he meets waiver. Plaintiff now submits a copy of the initial complaint filed in the Greenville county court of common pleas that was granted Informa Pauperis, Plaintiff further directs the court to the lower court record to review the complaint for Informa Pauperis review as 'Judicial notice' and grant leave in this court upon that review and Plaintiffs motion for leave to proceed Informa Pauperis filed in this appeal. As provided by Rule 59 E S.C. RCP Plaintiff moves to alter or amend the Judgment and have the court allow Plaintiff to proceed Informa Pauperis

In the above case of allow petitioner under Rule 100 B To set aside the Judgment 100B SCRP(2) states, 100 B is substantially the same as code §15-27-130

There are two differences, first existing state law provides for relief from Judgment taken against him through his mistake; petitioner submits that he didn't put the initial complaint with this appeal and or for informa pauperis and that he only filed a notice of appeal believing that all documents from the Greenville county court would transfer as due in Federal Appeal courts upon filing the notice of appeal,

~~In this instance this did not take place and this court took it as a way to not provide~~ informa pauperis; petitioner moves to amend these rulings on the ground of the court not reviewing the lower court record to grant informa pauperis, as if he was able proceed informa pauperis in the lower court it's presumed he could proceed informa pauperis in the South Carolina Court of Appeals informa pauperis in the appeal of the same case at hand; petitioner submits that the order granting him informa pauperis is with the lower court and he does not have it but directs the court to the lower court to review that petitioner indeed proceeded informa pauperis in the Greenville county court of common Pleas in their case on these grounds petitioner moves to alter or amend or set aside the Judgment.

Conclusion

petitioner shall be granted informa pauperis after de novo review of the lower court record and the record of this court to grant petitioner informa pauperis in this appeal.

I swear under Penalty and Perjury that the foregoing is true and correct
this 23rd day of January, 2019 Stallen Brooks

Alton Brooks 313076
MCE
386 Redemption way
mcmick SC 29879

(p92)

Exhibit A initial complaint granted in Felma Puffer's in the lower court.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

FEB 04 2019

Letitia H. Verdine circuit court judge

SC Court of Appeals

CASE NO: 2018-001907

Anthony Brooks Appellant

v.

South Carolina Department of Corrections, Christopher Williams call, H. Root, call Duffy,
Major Early, H. Church, Sgt Tucker, Amy Enloe LYN, ofc. Mitchum, ofc Rivers
John Doe etc and South Carolina Budget and Control Board Respondents

Proof of Service

I certify that I have served the ~~plaintiff's~~ Appellants motion in Affidavit
to alter or amend Judgment under SCRP 59 E or relief from Judgment of
excusable neglect under SCRP 60 B 1 by depositing a copy of it in the
United States mail postage prepaid at McCormick Correctional Inst, on January
23rd 2019 addressed to his attorney of Record Samuel F. Arthur P Drawer 1931
Florence SC 29503 and The South Carolina Court of Appeals in Clair Allen PO Box
11629 Columbia SC, 29211. I swear under penalty and perjury the foregoing
is true, good correct prison mail Best rule.
January 23 2019

SL Anthony Brooks
Anthony Brooks 313006
mes
386 Redemption way
McCormick SC 29899

TO: South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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FEB 04 2019

SC Court of Appeals

RE: Alton Brooks vs. Seco et al case # 2018-001907

Dear Jenni Abbot Kitchings,

Enclosed is Petitioner's motion in affidavit to alter or amend Judgment under S.C. Code § 59 or relief from Judgment as excusable neglect under S.C. Code § 54. Please have this document filed with a clocked date stamp copy.

Thank you, S/ Alton Brooks

Alton Brooks ~~MEZ~~

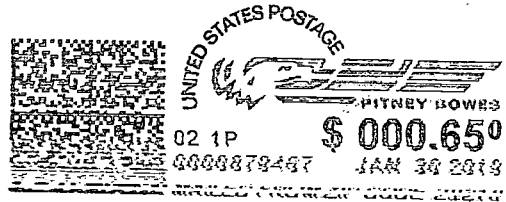
MEZ

386 Redump banyway

mccormicksc 29891

January 23rd 2019

Altony Books 313 000
mccormick corrections
386 Redemptum way
McCormick SC 29809



RECEIVED
FEB 04 2019
SC Court of Appeals

V. Clair Allen clerk
SOUTH CAROLINA COURT OF APPEALS
PO BOX 11629
Columbia SC 29211

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