

The Supreme Court of South Carolina

Altony Brooks, Petitioner,

v.

South Carolina Department of Corrections, Christopher Williams, Capt., Lt. Root, Capt. Duffy, Major Earley, Lt. Church, Sgt. Tucker, Amy Enloe LPN, Ofc. Mitchum, Ofc. Rivera, John Doe Ofc., and South Carolina Budget and Control Board, Respondents.

Appellate Case No. 2019-000412

Lower Court Case No. 2016CP2304303

ORDER

In this tort case, petitioner has appealed an order dated September 17, 2018. By order dated January 15, 2019, the South Carolina Court of Appeals denied petitioner's request to proceed in forma pauperis, and gave him fifteen days to pay the filing fee for the appeal. No other order or decision has been filed in the appeal.¹

Petitioner has now filed a petition for a writ of certiorari dated March 5, 2019, seeking review of the decision of the South Carolina Court of Appeals.

Under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing or reinstatement has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

¹ Before the Court of Appeals, the Appellate Case Number is 2018-001907.

Accordingly, the petition is dismissed. This dismissal is without prejudice to petitioner's ability to timely seek review by serving and filing a petition for a writ of certiorari and appendix under Rule 242, SCACR, once the Court of Appeals has filed a final decision in the appeal. The request for an extension of time to file other documents with this Court is denied as moot.

Columbia, South Carolina
March 15, 2019



FOR THE COURT

C.J.

cc: Samuel F. Arthur, III, Esquire
John Gatling Hofler, III, Esquire
Mr. Altony Brooks, #313000
The Honorable Jenny Abbott Kitchings