

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

April 24, 2019

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED

APR 24 2019

SC Court of Appeals

Re: Altony Brooks v. SCDC
Appellate Case No. 2018-001907

Dear Ms. Kitchings:

Enclosed is correspondence received from Mr. Brooks. Since he is apparently attempting to remove the above appeal to the federal district court, I am forwarding this correspondence to you.

Very truly yours,

CLERK

Enclosure

cc: Mr. Altony Brooks, #313000
Samuel F. Arthur, III, Esquire
John Gatling Hofler, III, Esquire

To: US District court
100 Broad st
Charleston SC 29402

RE: Filing of case

Dear Clerk:

Mr. Blume enclosed is copies of Plaintiff's notice of removal, motion for counsel and stay he filed in the South Carolina Court of Appeals along with financial certificate, please have those documents filed clocked, date, stamped and filed.

RECEIVED

APR 24 2019

S.C. SUPREME COURT

Thank You, Lauren Brooks

Arthur Brooks 813080

BRCI

4460 Broadriver Rd

Columbia SC 29900

Date APR 22nd 2019

RECEIVED

APR 22 2019

BRCI
MAILROOM

LEGAL MAIL

To: SC Supreme Court

Po Box 11330

~~██████████~~ columbiasc 29801

Re: Case # 2018

ANTHONY BROOKS vs SC DEPT

Dear Clerk Mr. Daniel Shaubhouse:

Enclosed is petitioner motion for stay etc. please have the documents filed, clock dated and stamped and returned to me. also petition motion to remove case and appoint counsel AND production of documents.

Sincerely / ~~Anthony Brooks~~
ANTHONY BROOKS
BPCI
4465 Broadview Rd
Columbiasc 29801

April 22nd 2019

RECEIVED

APR 22 2019

BRCI
MAILROOM

LEGAL MAIL

RECEIVED

APR 22 2019

BRCI
MAILROOM

Anthony Brooks

THE STATE OF SOUTH CAROLINA
SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Letitia H. VERDIN CIRCUIT COURT JUDGE

Appellant

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, Charles Williams, Mr. Post, Cliff Puffy
Major Early, W. Church, Sgt. Tucker, Amy Inloe Linn, Ofc Mitchell, Ofc Riveraw of Martin
Michael Tucker, ~~and~~ John Doe and SOUTH CAROLINA Budget and Control Board
Respondent

PROOF OF SERVICE

I certify that I have been served the Appellants motion for stay etc by depositing a
copy of it in the United States Postal Service, pre paid postage at Broad River
Correction Inst on April 22nd 2019 addressed to Attorney of Record Samuel F. Nathaniel
PO Drawer 11931 Florence SC 29503; SOUTH CAROLINA COURT OF APPEALS v.
Clair Allen PO Box 11629, Columbia SC 29211. I swear under penalty and
perjury for THE FOREGOING IS TRUE and correct

APR 22nd 2019

Anthony Brooks
Anthony Brooks
BRCI
4460 Broad River Rd
Columbia SC 29106

SC Court of Appeals
SC Supreme Court at PO Box 11330 Columbia SC 29211
Chief Justice Ron Beach and the clerk has also been
served process above. and the US District Court PO Box 835
Charleston SC 29402 and Greenville County Court of Common Pleas
305 East North ~~St~~ Greenville SC 29601 copies of Plaintiffs motion to remove case et al production of
and Appointment of Counsel and motion for stay all parties herein has been served. documents

LEGAL MAIL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Alton Brooks Plaintiff

Civil Case No. _____

vs.

MOTION FOR APPOINTMENT OF
COUNSEL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Charles Williams, Curtis Early, Randall Roach

Jonathan Church, Kenneth Martin, Kenneth Mitchell

Jose Rivera, Susan Duffy, Amy Enloe,

Michael Tuckor, SOUTH CAROLINA Budget and
Control Board,

Defendants

Plaintiff moves for appointment of counsel in this action on the following grounds
This case was ~~was~~ commenced in the Greenville County Court of Common Pleas on
during the proceedings in this case petitioner's legal files concerning this case was confiscated
and strong armed from him on April 15th 2018 by sent concealment officers, Lt. Hamitt,
etc. Forham, etc. Ellison, Sgt Campbell, while Curtis Early was present and turned a
blind eye in full ignorance, Plaintiff was taken to lock up and held on lock up
and retaliation transferred to Charles Williams defendant at McCormick Inst. on April
26th 2018 upon the transfer. Plaintiff's property was not present. Plaintiff proceeded
to court April 26th 2018 before Judge Perry H. Gravelly, and explained the issues of
his property and all legal pleadings in the case taken by SCDC and that he needed
counsel due to the impediments and frustration of his case and that he had trial set
for June 14th 2018. On May 7th 2018, Judge J. Cordell Maddox was told about
defendant's confiscation of his legal documents and him being unprepared for trial due
to defendant's confiscation of his trial documents, Judge Cordell Maddox gave
defendants a continuance despite their witnesses not being at trial. The scheduling order
illegally took defendants out of summary judgment as that had defaulted summary judgment
by not submitting a summary judgment affidavit within 10 days of the May 7th 2018
trial. However, Samuel E. Arthur defendants counsel received a scheduling order
from Cordell Maddox Jr. stating definitive motions are to be filed no later than

(pg 1)

LEGAL MAIL

July 1st 2019, on June 2 2018 Judge Letitia Verdin heard defendant's
 summary Judgment. Plaintiff filed a default Judgment to this action on May 1st 2019
 and appealed the summary Judgment order and now is being impleaded and
 denied the right to appeal trial was reset for September 24th 2019 in this instance
 the Judge Letitia Verdin dismissed the action without ruling on Plaintiff's
 negligence claims etc before Letitia Verdin appealed, meaning that Letitia Verdin was
 trial on September 24th 2019 and was never called, this case will involve eye witnesses
 and investigation, investigation and expert testimony on the grounds of Plaintiff's mindset
 during this action, Plaintiff is now on appeal and is being denied the right to
 appeal his claims in the court. So thus, Plaintiff needs counsel to represent him in
 this action to argue against any Report and Recommendation or objections needed
 in this case this case would require jurisdictional arguments concerning the need for
 claims, Plaintiff is a GED Graduate with limited knowledge and is on lock as denied
 adequate access to the courts by not being able to use the law computer or law library
 Plaintiff claims involve federal and state claims (due to all the above ~~sections~~
 Plaintiff Request Counsel, Plaintiff needs the Amended complaint and Full complaint on record)
 See whether to appoint counsel in a civil case is a discretionary decision, and

a trial court should exercise that discretion." where the case of an indigent
 Plaintiff presents exceptional circumstances." Whisenand v. Yauri, 193 F.2d 1160, 1163 (4th Cir 1954)
 abrogated on other grounds by Mallard v. US District Court, 490, US 296 (1989) this inquiry
 turns on two basic factors: (1) the ability of the individual to bring the case and
 (2) the type and complexity of the case. Id see also Gordon vs. Leeke, 574 F.2d
1147, 1153, (4th Cir 1978) (stating that if a pro se litigant has a colorable claim but
 lacks the capacity to present it, the District court should appoint counsel to assist
 him. Plaintiff needs counsel to submit a Rule 69 B motion to set aside Judgment of
 Letitia H Verdin order denying summary Judgment to the District court on grounds of Personal
 Jurisdiction and oversight of the case being taken off trial docket ~~to~~ Swain under penalty and Federal that
 when the order was entered, Plaintiff does not have
 access to case law to argue this motion and counsel is
 needed to take depositions on defendants for jurisdictional
 purposes, Plaintiff needs counsel to remove (p 2)
 interlocutory appeal from state court to
 Federal Appeals court because his being denied
 information of his state and federal claims.

The foregoing is true and correct this
 22 day of April 2019
 Attest: Allen [Signature]
 Albert Bridges 313000
 BCCT
 4460 Broadway Rd
 Columbia SC 29816

SOUTH CAROLINA DISTRICT COURT

Alton Brooks
Plaintiff

vs.

Charles Williams Jr., Johnathan Church,
Amy Enloe, South Carolina Department of Corrections,
Curtis Earl, Kinneith Martin, Joel Rivera,
Randall Host, Susan Duff, Michael Tucker,
South Carolina Budget and Control Board,
Defendants

Case#

Motion in Affidavit for Production
of documents and Interrogatories
Request AND REQUEST FOR
DEPOSITIONS ^{on Jurisdiction} See pg. Patten 940 Fed. at
307, Zowacki v. Impac, Inc. v. Continental
Baking 106-78 F. Supp. 236, 238 (M.D. Cal. 1988)
Brooks vs. Wilman re 542 F. Supp. 1229
upon grant of Counsel

Plaintiff moves for Production of Documents and Interrogatories under federal rules of
court 33 and 34 of federal rules of civil procedure.

- (1) Produce defendant South Carolina Department of Corrections and Charles Williams
copy of the amended complaint in this action
- (2) Produce defendant South Carolina Department of Corrections and Charles Williams a
copy of the scheduling order signed by J. Cordell Maddox.
- (3) Produce ~~the~~ defendant South Carolina Department of Corrections and Charles Williams
a copy of Judge Letina Verbin denial of summary judgment motion.
4. Produce defendant South Carolina Department of Corrections and Charles Williams
a copy of Plaintiff's default judgment filed in this case.
- (3) Produce defendant South Carolina Department of Corrections and Charles Williams
a copy of the entire lower case record to the court and Plaintiff.
- (6) defendant Charles Williams Jr., Johnathan Church, Amy Enloe, SCDL, Curtis Earl,
Kinneith Mitchell, Joel Rivera, Susan Duff, Michael Tucker, individually answer
that on May 7th 2018 you where not at trial in the Greenville county court
of common Pleas

I swear under penalty and perjury that the foregoing is true
and correct this 21 day of APRIL 2019

Alton Brooks
Alton Brooks 31360
BRET
4460 Broad Drive Rd
Columbia SC 29910

LEGAL MAIL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Alton Books, Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT OF COLLECTIONS,
Charles Williams, Curtis Zerk, Randall Root,
Johnathan Church, Kenneth Martin, Kenneth Middlell,
Susan Duffy, Amy Zilue, Michael Tucker, Joel Rivera,
South Carolina Budget and Control Board,
Defendants

Civil Case No. _____
Petition AND AFFIDAVIT AND
Notice of Removal to Federal
Court from state court and
Declaratory and injunctive relief
Pursuant to 42 USC 1983

Also amended complaint
needs to be attached
Note: The complaint is missing the
signed verified complaint pg. and the
damages and claim pg. They are filed
in the lower court plaintiff just don't
have a copy take judicial notice and get complaint

Please hereby give notice that the Plaintiff is removing this action of his state
law and federal claims to the United States District Court of South Carolina
from the South Carolina Court of Appeals (Plaintiff amended complaint has federal claims also
plaintiff does not have copies of amended complaint)

1) This action is in the guidelines of refiling cases from the state court to the
Federal court in compliance with, Jinks v. Richland County, 538 U.S. 816 (2003)

28 U.S.C. 1441 (a)(2)(C), United States Worker of America v. Eubbs 383 U.S. 715

28 U.S.C. § 2201 (a) Id A state declaratory judgment action removed to federal court
involves the federal declaratory judgment act. Hartfield Fire Ins Co v. Hartsville Mut
INS Co. 736 F.3d 855, 461 n3 (4th Cir 2013) Exhibit A Attach complaint to be removed

2) The case is on interlocutory appeal in the South Carolina Court of Appeals on a premature
order of summary judgment by Judge Letitia Verdini denying individual state law and federal
claims without proper jurisdiction dismissing the case was actually interlocutory
despite Judge Letitia Verdini ruling outside the statute of court. see Fed American Cultural
Broadcasting, 758 F.2d at 881 "An order which does not finally determine a cause of
action but still decides some intervening matter pertaining to the case and which requires
further steps to be taken in order to enable a court to adjudicate the cause on the merits
is ~~not~~ considered interlocutory" quoting In re Marks, 481 F.2d 1011 (4th Cir 1973)

3. The summary judgment ruling was without due process and petitioner's default judgment
filed before the summary judgment has not been ruled on despite the summary judgment
not ruling on all claims of federal and state claims for relief. And petitioner request
declaratory injunctive relief from the order. I swear under penalty and perjury that the
foregoing is true and correct this 22nd day of April 2019

April 22nd 2019

PT

Alton Books 31300
31111
4460 Broadview Rd
Columbia, SC 29204

LEGAL MAIL

(Exhibit A Complaint to be removed)

LEGAL MAIL

S249

FINANCIAL CERTIFICATE FOR THE DISTRICT OF SOUTH CAROLINA

(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full filing fee required by 28 U.S.C. § 1914 (currently \$350.00), I will send with my complaint an initial installment payment, required by 28 U.S.C. § 1915, equal to the amount calculated and entered on line four by the authorized officer signing this form.

I recognize that by filing this case, I am required to pay the full filing fee (or the remaining unpaid portion of the filing fee by installments if necessary) under 28 U.S.C. § 1915(b) even though I am requesting to proceed *in forma pauperis*. I authorize and consent to collection of the filing fee in accordance with 28 U.S.C. § 1915 until the filing fee is paid in full.

INMATE NAME (PRINTED)

313000
INMATE (PRISONER) NUMBER

Aaron Brown
INMATE SIGNATURE

Broad River correctional
PLACE OF CONFINEMENT

- ◆ (1) Average monthly deposits to the inmate's account.....\$ 0
- ◆ (2) Average monthly balance in the inmate's account calculated for the prior six months period.\$ -.84
- ◆ (3) Current Balance.....\$ -.84
- ◆ (4) Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2).....\$ 0

SCDC-FINANCIAL ACCTS.
2019 FEB 22 AM 11:50

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

[Signature]
Authorized Officer's Signature

2/25/19
Date

[Signature] Fiscal Analyst I
Authorized Officer's Name and Title

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

ALTON BROOKS

Plaintiff

v.

SOUTH CAROLINA DEPT OF CORRECTIONS
Christopher Williams Capt, Lt. Root
Capt Duffey, Major Early, Lt. Church,
Sgt Tucker, Amy Enloe LPN, of Midchum
of Rivera, John Doe ofc,
South Carolina Budget and Control Board

Defendants

IN THE COURT OF COMMON
PLEAS

Case No 2016-CP-23- 04303

NOTICE

FILED IN COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER
2016 JUL 15 AM 11 41

AS in accordance with § 15-9-30 of SC code of laws this notice is inserted with the summons and notifies defendants that any party who shall fail to answer the complaint within 20 days after service of the summons the Plaintiff will apply to the court for relief demanded in the complaint.

I declare under penalty and perjury that the foregoing is true and correct executed at Bishopville S.C 29610 on this ~~20th~~ 7th day of ~~October~~ April 2015

Alton Brooks
Alton Brooks 313000
PCI B DORM RM 3
430 oaklawn Rd
Pelzer SC 29669

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
Complaint

Altony Brooks
Plaintiff

Jury Trial Demanded

Case ~~2016-CP-23~~ 04303

v.

South Carolina Department of corrections,
Christopher Williams captain, Captain Duffy,
Lt. Church, s/c Rivera, Nurse Amy ENLien,
Major Earls, Sgt. Tucher, LT Root, s/c Mitchum
South Carolina Budget and Control Board.

Defendants

FILED
GREENVILLE, S.C.
PAUL B. WATKINS, CLERK
COURT
2016 JUL 15 AM 11 40

comes now the Plaintiff, Altony Brooks pro se. who files this
complaint against the above named defendants in support thereof
Plaintiff would allege, plead and show unto the court

Parties and Jurisdiction

- A. Plaintiff Altony Brooks is incarcerated within South Carolina Department of corrections housed at Perry Correctional Inst located in Pelzer SC 29669
- B. Defendant South Carolina Department of corrections is a governmental entity of this state.
- C. Defendant Christopher Williams is an employee of the South Carolina Department of corrections, who holds the rank as captain during all times relevant and Plaintiff is suing defendant Williams in her individual and official capacity.
- D. Defendant Duffy is an employee of the South Carolina Department of corrections, who holds the rank as captain during all times relevant and Plaintiff is suing defendant Duffy in her individual and official capacity.
- K. Defendant Martin is an employee of the South Carolina Department of corrections, who holds the rank as ~~captain~~ officer during all times relevant and Plaintiff is suing defendant Martin in his individual and official capacity.

under the Court's original jurisdiction over civil cases pursuant to Article V § 11 of South Carolina Constitution and § 15-77-56 of SC code of laws.

INTRODUCTION

This is a civil action filed by Alton Brown a state prisoner for damages under SC Tort Claims Act 15-78-10 seq Article V § 11 of South Carolina Constitution and 15-77-56 seq of SC code of laws alleging gross negligence, recklessness, cruel and unusual punishment, corporal punishment, deliberate indifference, procedural due process, illegal detention all in violation of SC Constitution Article I Section 3 and 15 of SC Constitution as well as emotional distress outrage in violation of state law to include assault and battery and deliberate indifference to Plaintiff's medical needs.

Defendant Root is an employee of the South Carolina Dept of corrections who holds the rank as Lt during all times relevant and Plaintiff is suing defendant Root in her individual and official capacity.

Defendant Mitchum is an employee of the South Carolina Dept of corrections who holds the rank as Lt during all times relevant and Plaintiff is suing defendant Mitchum in her individual and official capacity.

Defendant John Doe is an employee of the South Carolina Dept of corrections who holds the rank as Lt during all times relevant and Plaintiff is suing defendant John Doe in her individual and official capacity.

- F. Defendant, church is an employee of the South Carolina Dept of corrections, who holds the rank of Lt during all times relevant and Plaintiff is suing defendant church in her individual and official capacity.
- F. Defendant Amy Enloe is an employee of the South Carolina Dept of corrections, who holds the title of WPN during all times relevant and Plaintiff is suing defendant Enloe in her individual and official capacity.
- G. Defendant Early is an employee of the South Carolina Dept of corrections, who holds the title as major during all times relevant and Plaintiff is suing defendant Early in her individual and official capacity.
- H. Defendant Rivera is an employee of South Carolina Dept of corrections who holds the title as ofc during all times relevant and Plaintiff is suing defendant Rivera in her individual and official capacity.
- I. Defendant Tucker is an employee of South Carolina Dept of corrections who holds the title as Sgt during all times relevant and Plaintiff is suing defendant Tucker in her individual and official capacity.
- J. Defendant South Carolina Budget and Control Board is a insurance Agency who bonds state of South Carolina officials.

The court has Jurisdiction over the subject matter of the Action against South Carolina Dept of corrections in accordance with the South Carolina Tort claims act 15-78-10 seq while the court has Jurisdiction ~~of~~ of the civil rights action against ^{AT POST} Christopher Williams, Lt. Church, Cpt Duffy, Major Early, Sgt Tucker, ofc ^{or March} Amy Enloe, ofc Rivera, John Doe ofc. the court has Jurisdiction over South Carolina Budget and Control Board in accordance with South Carolina Tort claims act 15-78-10 seq

Alton Brooks

v.
Christopher Williams, Captain
Mr. Church, Lt
Rivera
Aunt Enloe

[REDACTED]

FACTS

1. ON December 21st 2018, I was located at Perry Correctional Institute. I went to the Gym to exercise my legs and to utilize self therapy. Upon coming into the Gym I met ofc ~~Markin~~^{Markin}, he asked me what I came to the Gym for, I told him to exercise my legs and to run around he allowe you on "crutches", I stated I know, Im here for self therapy. I waited until the next game, during this time the ofc upon information and belief called captain christopher williams, christopher williams watched the other guys play and left afterward upon information and belief, I got on the court and hobbled up and down the court, I played non chalantly about 10 minutes until it was time to leave.
2. upon leaving I grabbed my belongings and crutches and proceeded to leave. at this time my knee began to swell and I regreted I played on it. the ofc came and stated I got to take your crutches, captain williams told me to take them, I stated captain williams has no authority to take my crutches his security, the ofc allowe I know, he stated you have to go deal with medical with that, I didnt quarrel and began to walk off, the first step I took my knees cracked; I told the ofc I cant walk and that I needed the crutches, the ofc ~~allowe~~^{markin} I needed to go.
3. I proceeded to ambulate forward but couldnt, I then noticed captain williams and called him, so I can retrieve the crutches so I can go

To the Dorm, captain williams came and allow IF You can play Basketball then You can walk to the Dorm, I informed captain williams that I have a torn meniscus to my left knee and trauma to the cartilage of my patella and that I need surgery, captain williams stated I need to go to the Dorm, I informed captain williams that my knee is swollen and that I can not walk.

4. captain williams approached me with a demanding demeanor and stated oh your not going, your refusing, I Anthony Brooks stated what are you doing, your about to use force on me because I cant walk? captain williams stated IF you dont go to the Dorm! I asked captain williams to speak to his supervisor and he stated hes in charge.

5. At this time Mr. Church was with him, I asked to go to medical and captain williams stated write a Request to Staff, I proceeded to walk away and my knees cracked, I told captain williams and he allow only place you would be going to is lock up, I told captain williams I needed to go to medical, captain williams then turned around and came marching towards me and stated im tired of this nigga.

6. and told me to turn around, I looked at captain williams in disbelief and stood erect, captain christopher williams then attacked me and grabbed me by my chest and throat and try to take me to the ground I stepped back and my knees wobbled, I tried my best to keep captain williams off of me, for my safety I placed my hand behind my back, Lt. Church was encroaching me, once the cuffs was placed on me christopher williams and Lt. Church forcibly dragged me forward and upon planting my foot my left leg gave and I fell to the ground face first bracing my left shoulder.

7. captain williams then called me a clown and a stupid nigga and him and Lt. ~~church~~^{ROGAT} picked me up and told me to walk, I yelled out loud and told them my knee is in pain and that I could not walk, captain williams and Lt. ~~church~~^{ROGAT} placed their arms under my arms and

I was forced to sleep on steel for 3 days in a row, with my leg aching and thumping, Sgt Tucker took my knee brace but gave it back. During these times I suffered from anxiety, confusion paranoia and I could barely eat, I suffered from depression, fear, restlessness and I could barely sleep at night.

8. Captain Williams harassed me and was on a mission to cause me harm, on December 20/5 I was on my way to the kitchen and I went through the Brit line so I could go to the regular line since it was shorter, ofc Borom seen me walking through with my crutches and told me to go the long way, I told ofc Borom my knees are hurting and that I came this way because it was shorter. He went and got capt Williams and captain Williams stated that I needed to leave the kitchen and go around.

9. I explained my medical condition with my knee and Christopher Williams stated I needed to go around like everyone else, he asked me my name and I asked him his and he stated your suppose to get meals on wheels, I stated yes but I'm not approved it has expired. Christopher Williams allere, I'll check, I stated yeah and while you at it could you see that I get medical attention.

10. Christopher Williams allere I cant do that, I gave him the ID card and ambulated out the door and came back in to get a tray to eat. once I got the tray and sat down, Christopher Williams came and said he called medical and I'm to get meals to the dorms I went into my pocket and pulled the slip out and showed him the expiration. he stated oh I'm going to check, I asked him to please contact medical and that I was trying to eat.

11. Captain Williams allere I'll do that and left with a interrogative threatening manner, I ate and left the kitchen, also on a different occasion I started to rest my legs while going to the

You would be going to ortho, I did my job, I stated yeah we will let the judge handle this situation, Amy enloe mumbled off and stated we could do, I was then wheeled to B-Dorm, once in B-Dorm Lt. Church, ofc Rivera, ofc Sarratt, ofc Tucker, and ofc Hitchum, Lt. Root brought me to room 3 on X wing, the ofc Tucker asked was I going to be stripped out and Lt. Church alleged no and then at a split second stated yes, ofc Rivera and Tucker began to take the mattress out of the room, I informed the officers that my medical condition of my knee did not allow them too to take the mattress and make me sleep on steel. Lt. Church authorized that I be stripped out.

12. ofc Tucker began cutting the clothing from off of me, and he cut the pants off of me and while doing so he cut my leg with the sizzors, he applied so much pressure on my leg I pulled up, moreover, ofc Tucker was taking the cuffs off of me and he applied so much pressure on my legs I pulled my leg back and he stated you tried to kick me and he picked my leg up and through me over the bed and onto the ground.

13. ofc Hitchum then jumped on me and put his knee on my face and head applying pressure once the pants were taken off of me, I was ordered to back up to the cell bars, being injured I could not move and Lt. Church with all his might snatched the chain and snatched me to the flap, the cuffs around my wrist clunched as tight as they could and my wrist felt broken from all of the circulation cutting off in my hand.

14. Lt. Church snatched the chains so hard my whole body and head banged against the cell door, Sgt Tucker took the cuffs off and I was left in the cell with no clothing on but my Boxers.

rest of my leg has went numb, I have to do self therapy to strengthen the rest of my ligaments in my leg before I don't have full use of it, I explained that my leg has been injured for over two years one of the nurses allege you need to be quiet so I can take your vital signs, I told major Early that I brought these issues before him and requested him to aid me in retrieving medical treatment and that he stated that he has nothing to do with that and that, that was a issue with medical, major Early remained silent

15 Nurse ~~Burgess~~ ^{Conroy} stated you need to be quiet because I can't hear, I need to take your vital signs, I requested to speak to MS Enloe as she was hiding in the back and did not show her face at the present time, one of the nurses informed that I needed to be quiet, I remained quiet, nurse Russel then took my blood pressure and recorded it.

16 Captain Duffy called a huddle and her and the nurses as well as other officers went to the back of the nursing station to devise a plan. they came back out and nurse Burgess then began to check my leg she saw that my knee was swollen and asked nurse enloe to see if she see any difference, nurse enloe grabbed my left leg and began to flex it, my knee began to crack and pop and I screamed in pain. nurse Amy Enloe placed my leg back down and my leg thumped in pain, nurse Burgess alleged she saw swelling and asked MS Enloe do she see anything else.

17 Nurse Amy enloe allege my knee is the same as it was the last time she saw it, in these instances Amy enloe issued me crutches of extension of time until January 18th 2016 the last time she saw me before this allege incident, I asked MS Enloe who authorized for her to tell captain Williams to take the crutches from me, and she

18 allege she did, wiping her hands with some type of cleaner, I stated well your liable and that I will be contacting the Division of professional and occupational licensing and she allege go ahead, we keep documents of everything, I told her that

... my arms to the back of my neck while my knees dragged on the ground, I picked my right leg up and tried to keep up with their pace but I couldn't, captian williams allea off you trying to walk now ha. Major Early came out the programs area and told Captian williams and Lt. ~~Church~~ ^{Scott} to get my knees off of the ground.

19 At this time ofc Rivera, ofc Mitchum, arrived and they dugged me to operations, major early told the ofcs to let me a wheel chair, I was thrown on the bench by Lt. ~~Scott~~ and I fell on the floor while my leg was in excruciating pain, captian Duffy told me to remain still, I was then snatched up by Lt. church and ofc Rivera and thrown into the wheel chair, as the ofcs ragged me around, my knee dangled off the side of the wheel chair and Lt. church grabbed my leg vigorously placing it on the legs of the wheel chair each time sending sharp pain up my leg and thighs causing me to slide out of the wheel chair

20 Lt. church stated I'm testing his patience and threw me into the chair about 3 times and told the ofcs to take me to medical without the wheel chair the ofcs Rivera, ofc Mitchum grabbed me under my arms and pulled my arms up to my head behind my back and walked with me in a fast pace, once going up the hills. Lt. church asked where is the wheel chair, I was thrown into the wheel chair by the ofcs approximately 3 times and the ofc Mitchum held the wheel chair on its back wheels and wheeled me to medical, I dangled over the wheel chair while my leg thumped at I tried to position myself to ease the pain. I was wheeled into medical

21 once in medical I saw major early nurse Connolly, nurse Russel, capt Duffy, nurse Burgess, Lt. church, John Doe, ~~off Mitchum~~, and several others. I asked who authorized capt williams to take the crutches, and No one responded, I stated capt williams took the crutches because I was playing basketball, A nurse allea, you shouldn't have been playing Basketball, I stated SCOC is refusing to give me surgery on my knee and the

dorm and proceeded to leave. after a thorough rest, I walked to the dorm and str. Monroe asked me what did I do and I stated nothing, he called Lt Root called and asked for my name, subsequently I was called to capt Duffy office and I explained that cjt Williams was present and him and Mr. Root wrote a charge on me

22. and never asked me why I was sitting down and now that I've been written up im before her, capt Duffy dismissed the charge I explained that I needed to be placed in a suitable living condition and that im being Harassed about these crutches and capt Duffy stated I needed to contact warden clatter.

23. captain Williams called nurse Burgess and instructed ms. Burgess that if I was going to be on crutches I needed to be placed on meals to the dorm, when I spoke to Amy Enloe nurse ms Burgess delivered the message, Amy Enloe stated that im not in a position to demand surgery and that I have to go through the steps. As stated throughout this complaint on December 21st 2015 the cam corder was running at all times relevant,

24. this incident took place outside of the GYM on the yard where the camera records 24/7 as relation to the assault by captain Williams.

25. As of now my left knee is swollen and it chuge and Perry medical staff is refusing to take me to the Hospital and provide the proper medical care for me, I can barely walk and the assaults have worsened my condition, I've been sent to lock up for no reason and placed in Detention with no justification, I haven't been served any PIRE Hearing Detention papers to be placed on lock up and im false imprisoned and lock up.

26. The South Carolina Budget and Rental Bonds Defendants, Williams, Enloe, Martin Early, church, Duffy, Tucker, Rivera, John Doe for their acts of assault and Battery and deliberate indifference to Plaintiff's medical needs.

claims

27. Assault and Battery, Captain Williams is liable for assault and battery on plaintiff when he attacked plaintiff and grabbed plaintiff by the chest and throat, ultimately causing plaintiff leg to buckle causing plaintiff to fall on the ground bruising his shoulder and causing swelling to his knee, while dragging plaintiff over 50 yards on his knee. all in violation of state law of South Carolina Melina v. Lane and Captain Williams is liable.
28. Captain Williams ^{and nurse} ~~is~~ liable for cruel and unusual punishment and deliberate indifference to plaintiff's medical needs when that knew the extent of plaintiff's injuries, and took plaintiff's crutches and ultimately assaulted plaintiff for being unable to walk to the dorm all in violation of Article 1 Section 15 of SC Code of Laws denying plaintiff medical treatment.
29. LT. Church is liable for assault and breach of duty of care when he assaulted plaintiff and failed to intervene and prevent the assault on plaintiff by Captain Williams all in violation of state law.
30. Nurse Amy Enloe is liable for Deliberate indifference to plaintiff's medical needs when she authorized Captain Christopher Williams to take plaintiff's crutches knowing the extent of plaintiff's injuries and not evaluating plaintiff's condition before making the determination of ~~authorizing~~ authorizing plaintiff crutches to be taken. all in violation of state law and Article 1 Section 15 of SC. code of laws. She is bound sued for medical malpractice.
31. LT. Church is liable for cruel punishment as well as Officer Rivera Williams Sgt Tucker, Lt. Root of Michigan ~~over~~ when that stripped plaintiff out and allowed plaintiff to sleep on steel for 3 days causing plaintiff back and knee to ache upon sleeping on steel and defendants are liable.

Gross negligence and Recklessness

31 Defendants Christopher Williams, Church, Rivera, Enloe, Tucker, Martin, Root, Johnson, Early, Duff are all liable for Gross Negligence in violation of 15-78 (a)(25) of S.C. Code of Laws when they breached their duty of care as provided by 24-1-20, 24-1-30 of S.C. Code of Laws as well as assault and battery when they allowed Plaintiff Cruz to be taken, Plaintiff being assaulted, dragged on his knees, shoulders sunken and Plaintiff being placed on strip coil with all his belongings taken ~~and~~ causing Plaintiff to sleep on cold steel causing swelling to his knees and pain in his back resulting with emotional distress and being deliberately indifferent to Plaintiff's medical needs causing Plaintiff to not walk or stand properly in violation of state law and S.C. is liable for the acts of defendants.

32 Defendants Christopher Williams, Captain Duff is liable for illegal Detention in violation of article 1 section 3 of the SC constitution in placing Plaintiff on lock up with no pre trial Detention papers in violation of state law and defendants are liable for the denial of liberty, recreation, television, and consortium of mixing and mingling as other inmates in general population.

33 Defendant Early is liable for respondeat superior for the acts of defendants, Williams, Duff, Tucker, Church, Rivera, assaults and battery in violation of state law.

34 Defendant Christopher Williams, Captain Duff, Church, Rivera, Enloe, Tucker, Root, Johnson, ~~Martin~~ are all liable for outrage and emotional distress in violation of state law.

35 Defendant South Carolina Budget and Control Board is liable for the actions of defendants Christopher Williams, Church, Rivera, Enloe, Tucker, Duff, Johnson, Early, John Doe etc, ~~Martin~~ actions of assault and battery, outrage, deliberate indifference, gross negligence, unlawful Detention, corporal punishment, cruel and unusual punishment and Recklessness for Bonding these individuals.

STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA SUPREME COURT

Albert Brooks
Plaintiff

vs.

Charles Williams, Curtis Early, Kenneth Malin,
Jonathan Church, Randall Root, ~~Joseph~~ Joel Rivera,
Kenneth Mitchell, Susan Duffy, Amy Enloe,
Michael Tucker and SOUTH CAROLINA Department of
Justice.
Defendants

IN THE COURT OF ~~Common~~ SUSTINA
OF SOUTH CAROLINA

Case # 2018-001907
IN THE COURT OF APPEALS

Petitioners motion in affidavit for
a stay of case for 90 days and
Appointment of counsel and
informa Paulans objection to the
April 27th 2019 order of Deputy
V. Clair Allen

Petitioners motion in affidavit for a stay of 90 days
of THE CASE, Appointment of counsel and Informa
Paulans objection to THE APRIL 27th order of Deputy
V. Clair Allen.

Enclosed is THE Following.

Jurisdictional STATEMENT

A Party to a Judgment sought to be reviewed may Present to a Justice an application To stay the enforcement of that Judgment See 28 U.S.C § 2101 (F)

An application for a stay shall set forth with Particularity why the Relief sought is NOT available from any other court or Judge.

An application for a stay shall identify the Judgment sought To be reviewed and have appended thereto a copy of the order and opinion, if any and a copy of the order, if any, of the court or Judge below denying the relief sought, and shall set out specific ~~reason~~ reason why a stay is justified, see Supreme Court rule 23.

An application addressed to ~~the~~ an individual Justice shall be filed with the clerk, who will transmit it promptly to the Justice concerned if an individual Justice has authority To sought relief.

An Application shall be addressed To the Justice allotted To the circuit from which the case arises, when the circuit Justice is unavailable for any reason, The application addressed To that Justice will be distributed To the Justice then available who is next Junior To the circuit Justice.

A Justice denying an application will note the denial thereon. A Justice denying an application will note the denial thereon.

A Justice To whom an application for a stay or for bail is submitted may refer it To the court for determination.

The clerk will advise all parties concerned, by appropriately speedy means, of the disposition made of an application, see Supreme Court Rule 22

If a corrected Jurisdictional statement is substituted in accordance with Rule 29, 2 no more than 60 days after the date of the clerk's letter it will be deemed timely, see Supreme Court Rule 18.

The supplemental brief by petitioner follows.

A. An Application for a stay shall set forth with Particularity why the relief sought is not Available from any other court or Judge.

Applicant submits that this case is on Appeal from the Greenville County Court of Common Pleas Judge Letitia Verdin for a abuse of discretion in granting summary Judgment for the defendants in a lack of Jurisdiction to enter verdict. Petitioner was granted Informa Pauperis To Proceede in the lower court and has appealed the courts summary Judgment, ON September 17th 2018. Petitioner appealed Letitia H. Verdin order. ON January 16th 2019 The SOUTH CAROLINA COURT OF APPEALS denied Petitioner To Proceede Informa Pauperis stating that petitioner must ~~file~~ pay the filing fee within 15 days of the date of the order. Petitioner filed a motion in Affidavit To alter or amend Judgment under SCRPC 59 or relief from Judgment under rule 60 B4) and for the court To retrieve the lower court records of Plaintiff original complaint granting Informa Pauperis so Plaintiff could Proceede in this appeal. This document was served January 23rd 2019 and filed by the court of Appeals February 4th 2019. ON February 7th 2019 The SOUTH CAROLINA COURT OF APPEALS, V. Clair Allen wrote Petitioner stating. this court sent a letter requesting the filing fee and a corrected proof of service for your correspondence filed on December 27th 2018, which this court construed as a motion To reinstate the Appeal. AS of the date of this letter, we have not received these corrections, therefore no further action will be taken on your motion To reinstate. ON March 1st 2019 Petitioner filed a motion for rehearing en banc and or Reinstatement of case and objection To the clerk of court February 7th 2019 letter and submission of the courts December 16th 2018 order and for the court To rule on his January 23rd 2019 motion and the courts January 15th 2019 order. Petitioner then filed a writ of certiorari To the SOUTH CAROLINA SUPREME court dated March 5th 2019 seeking a review of the decision of the South Carolina Court of Appeals. ON March 15th 2019, Justice Beatty issued a order Dismissing the Appeal without Prejudice To Petitioners ability To timely seek review by serving and filing a petition for a writ of certiorari and appendix under Rule 242, SCRC once the court of Appeals has filed a final decision in the appeal. ON April 17th 2019 see exhibit A^B stating the court has received your motions dated February 4th 2019 and March 7th 2019, requesting a rehearing of the courts order denying the motion To Proceede Informa Pauperis that was issued on January 15th 2019, Pursuant To Rule 221(c) of the South Carolina Appellate Court Rules, "the appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding ~~the~~ A Party's Appeal"; therefore your motions for rehearing

will not be acted on, and are being returned to you, furthermore, the \$250 notice of appeal filing fee must be paid within ten (10) days of the date of this letter, or your appeal will be dismissed, signed by deputy clerk V. Clair Allen. Petitioner submits that it's clear that on January 15th 2019 the court of Appeals denied petitioner to proceede infirma paupans by order, it's clear that on January 23rd 2019 petitioner objected to this denial and requested the Judgment Altered or amended, it's clear that Deputy V. Allen Clair of the South Carolina Court of Appeals Ignored this motion of petitioner requesting the Judgment to be altered or amended in her February 7th 2019 letter and took no action on petitioner's motion to alter or amend Judgment etc. filed by the court February 4th 2019. As it's clear that upon chief Justice Beatty March 15th 2019 order stating that ~~the~~ 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, ~~and the court of Appeals has filed a final decision on~~ This dismissal is without prejudice to petitioner's ability to timely seek review by sending and filing a petition for a writ of certiorari and appendix under rule 292, S.C.A.C.R. once the court of Appeals has filed a final decision in the appeal, it's clear that Deputy V. Allen Clair has ignored the January 15th 2019 order denying infirma paupans and has with intention sent petitioner's motion to reinstate back with out legal cause prejudicial to petitioner, for those reasons petitioner moves the court for a stay in this case because the South Carolina Court of Appeals refuse to entertain petitioner's motions for reinstatement and this chief Justice Beatty sent the court of Appeals of South Carolina an order concerning reinstatement in this case and the South Carolina Court of Appeals refuse to review the petition for reinstatement and is arbitrary and capricious denying petitioner to access to courts violating equal protection provided by the 14th Amendment of the US Constitution and taking advantage of petitioner's poverty knowing his indigent enforcement that he pays for an appeal that he can't afford and denying petitioner work to pay for the appeal such a result is bias and prejudicial to the Administration of Justice and this Justice or court that can and properly hear and render this matter.

B: An Application for a stay shall identify the Judgment sought to be reviewed and have appended thereto a copy of the order and opinion, if any and a copy of the order, if any of the court or Judge below denying the relief sought, and shall set forth specific reasons why a stay is justified, see supreme court rule 23.
Attached exhibit A-B of orders petitioner request to stay

Notice: The SC. Court Appeals January 15th 2019 dismissal gives petitioner 15 days to pay filing fee and the SC Court Appeals April 17th 2019 dismissal gives petitioner 10 days to pay filing fee, petitioner has the illegal sentence March 1st 2019, As shown a 15 day order to pay filing fee ~~and~~ would be March 2019 remain petitioner would be home with wife...

Petitioner submit that the stay is justified, because it will give petitioner the opportunity to find counsel to represent him on appeal if the court doesn't grant counsel on appeal due to his indigence, the stay will give appellant time to retrieve all documents related to this action to properly appeal if he has to proceed in forma pauperis. A stay will assist the petitioner in trying to obtain the relevant funds to pay for the cost in appeal if possible. A stay will give petitioner time to access and research case law to support his position, as petitioner is on lack of arbitrariness and denied the law computer and paper law books to appeal this case effectively coupled with defendant's S.C.P.C. retaliatory transfers and confiscation of legal pleadings in this case and illegal confinement of petitioner when he's made out the sentence he's served in S.C.P.C. The stay will give Chief Justice Beatty the opportunity to review all the procedural inadequacies in this case from the lower court to the court of appeals and decide what's needed to ensure petitioner receives due process of law provided by the 14th amendment of the US Constitution, and Article 1 section 3 of South Carolina Code of Laws.

Argument

Petitioner shall be granted legal counsel to represent him on appeal provided by rule 3 (C) of S.C.R.P.

Facts Law and Argument

Petitioner submits that through out this case and appeal he has been frustrated, impeded and denied access to the courts by defendant's S.C.P.C. in an attempt to cause him to procedural default by acts of deception, assault and battery, conspiracy and conversion of his legal property to include retaliatory transfers to impede accessing the court and illegal confinement holding petitioner pass his maximum sentence. See the Rights to the courts is a fundamental constitutional right, Bounds vs. Smith 430 US 817, 828, 97, 52 L Ed 2d 72 (1977)

Petitioner submits that S.C.R.P.(3) B states, where a party is represented in a civil action by an attorney working on behalf of or under the auspices of a legal aid or society or a legal service or other non profit organization funded in whole or substantial part by funds appropriated by the United States Government or the General Assembly of the State of South Carolina which has its primary purpose the furnishing of legal services to indigent persons, or the South Carolina Pro Bono Program, fees related to the filing of the action

shall be waived without the necessity of a motion and court approval. Before the filing fees are waived, the Attorney representing the party must file with the clerk a written certification that representation is being provided on behalf of or under the auspices of the society, organization or program and that the party is unable to pay the filing fees.

Petitioner submits as (Persuasive Authority) see whether to appoint counsel in a civil case is a discretionary decision, and a trial court should exercise that decision discretion. "where the case of an indigent plaintiff presents exceptional circumstances." Whisenant v. Yawn 1739 F.2d 160, 163 (4th Cir 1984) abrogated on other grounds by Mallard v. U.S. District Court, 490 U.S. 296 (1989). This inquiry turns on two basic factors: (1) the ability of the individual to bring the case and (2) the title and complexity of the case." Id see also, Gordon vs. Leake, 874 F.2d 1147, 1153 (4th Cir 1993) (stating that if a pro se litigant has a colorable claim but lacks the capacity to present it, the district court should appoint counsel to assist him. This court should grant petitioner assistance of counsel (1) The court knows that petitioner is in segregation and that SCDC is on a state wide lock down due to inmates being killed at Lee Correctional arbitrarily for no reason but stupidity. The court knows that petitioner would be unable to meaningfully participate in the litigation process, see Evans v. Kupinski, 713 Fed Appx 167 (4th Cir, 2017). IN. Evans for example, the fourth circuit found that the district court abused its discretion in denying plaintiff's multiple request for counsel in part because the plaintiff had been confined to a psychiatric facility during litigation, id at 171-72, because the plaintiff could not access a law library or research "his claims" and because he had only limited access to a typewriter or pen and paper he should have received the assistance of counsel. Here Mr. Brooks similar as a segregation inmate has extremely limited access to the law library, do not have copies of his filed documents due to SCDC policy of not copying handwritten documents and his legal supplies are limited to 20 sheets of paper a week. In this case SCDC does not have a South Carolina Rules of court in the law library at Broadriver Correctional Inst, on January 28th 2019 Charles Williams defendant arbitrarily transferred petitioner to Broadriver corr. in which Dendru Carter removed the segregation to move plaintiff to Broadriver in cohorts with Michael Stephen Warden Charles William Warden of McCorrinnle and Dendru Carter cell at Broadriver corr

Plaintiff sued Peadra Carter in case 2018 CP4003479 US District Court and case # 2019 CP4003479 in the state of South Carolina common Pleas of Columbia and has sued Michael Stephens in case See Record ^{Judicial Notice} in the US District Court and Charles Williams Warden in this case, defendants SCDC by and through those officers retaliatory transferred Petitioner to thwart his filings in hopes of default in this case, The court of Appeals denied Petitioner *informa laudis* on January 15th 2019, on January 28th 2019 Charles Williams Warden transferred Petitioner to Broad River Correctional during January 15th 2019 To January 28th 2019, Charles Williams denied Petitioner access to the law library and confiscated Petitioner South Carolina Rules of Court on January 28th 2019, during those times Plaintiff utilized his documents in his cell to move for a motion to alter or amend Judgment, due to the transference in which should have never transpired due to Petitioner maxims this sentence out and SCDC denial to accredit Petitioner his Jail credits and assist the sentences correctly and further Peadra Carter having a separation on Petitioner at Broadriver, shows SCDC intent to maliciously transfer Petitioner out of the Adjustment unit in General Population a less restrictive unit and place Petitioner on lock up at Broadriver, restricting Petitioner access to legal books and material more severally, moreover, Broadriver seek to place Petitioner on security detention, but after Petitioner preserved the record at the SO hearing due to being illegally detained due to SCDC failure to accredit Jail time credit to both sentences and correct sentence structure SCDC General Counsel refused to SD the Petitioner, Petitioner is now illegally held on Broad River Correctional lock up denied adequate access to the law library, due to these grounds and more Petitioner shall be granted counsel and counsel awarded fees to appeal the action. see, the presentation of circumstantial evidence such as temporal proximity, a chronology of events, or suspicious timing may be sufficient to support allegations of retaliation, claim with only mean available to him- circumstantial evidence of the

Case # 17-0761 and 17-07488 in the US District Court of Appeals, The 4th Circuit Court of Appeals granted counsel due to similar impediments by SCDC in Petitioner's case however, in this appeal SCDC is the defendant, and Charles Williams is a defendant in this case who transferred Petitioner arbitrarily to induce such actions.

of suspicion timing of his discipline coincidental transfers of his witness and assistance. (McDonald v. Hall 610 F.2d 1618 (1st Cir 1979) holding that the plaintiffs allegation of chronology of events may be read as raising some support for an inference of retaliation") Hums v. Fleming 839, 1232, 1236-38, 7th Cir 1988) finding that the pattern and timing of filing and cell transfers were sufficient to establish a question of retaliation

Applicant substantive argument - Due Process

In the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions." Martin v. State of South Carolina, 321 S.C. 533, 535, 471 S.E.2d 134, 35 (1995) "Further where certain fundamental rights are involved, the constitution requires that an indigent be allowed access to the courts" Id at 535, 471 S.E.2d at 135

see the rights to the courts is a fundamental constitutional right. Bounds vs. Smith, 430 U.S. 817, 828, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977) petitioner submits that the courts interlocutory order denying his federal and state claims against defendants on summary judgment by Judge ^{of} Lehigh H. Reidin, placed in question in this court the effecting of his federal claims and state claims against individual defendants and not defendants solely for their own negligence, this question arises out of the effect of the united states federal statute 28 U.S.C. 1915 (b)(1) notwithstanding subsection (A) if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of the filing fees. The court shall ~~assess~~ assess and, when funds exist, collect, or a partial payment of any court fee required by law, an initial partial filing fee of 20 percent of the greater of,

- A. the average month deposits to prisoners account or,
- B. the average monthly balance in the prisoners account for 6 months period immediately preceding the filing fees.

~~of the complaint or notice of appeal.~~
2. After payment of the initial partial filing fees, the prisoner shall be required to make monthly payments of 20 percent of the preceding months income credited to the prisoners account to the clerk of the court each time the amount in the account exceeds \$110 until the filing fee is paid.

(4) IN NO EVENT shall a prisoner be excluded from bringing a civil action or appealing a civil or criminal Judgment for the reason that the prisoner has no assets or ~~any~~ no means to which to pay the initial filing fee

(2) A prisoner seeking to bring a civil action or appeal a Judgment in a civil action or proceedings without ^{pre-}payment of fees or security therefor. In addition to filing the affidavit filed under Paragraph (1) shall submit a certified copy of the Trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of Appeal, obtained from the appropriate official of each prison at which the prisoner was confined.

(A) subsection (B) any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceedings, civil or criminal, or appeal therefrom by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefore, such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to relief.

see LAKOS vs. State 333 S.C. 382, 810 SE2d 223 (Ct App 1998) This court found the order denying LAKOS request to proceed in forma pauperis effectively discontinued the action because LAKOS only mean of bringing the action was in forma pauperis and therefore was immediately appealable. IN Ex parte MARTIN v. State, 321 S.C. 533, 471 SE2d 154 (1995), the supreme court addressed when a inmate may proceed in forma pauperis, the supreme court hold in the absence of a statutory provision allowing the general waiver of filing fee, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or or required by constitutional provisions. Id. at 533, 471 SE2d at 134-35. The supreme court went on to state "Further, where certain fundamental rights are involved the Constitution requires an indigent be allowed access to the courts at 535, 471, 371 S.C. 780, 281 SE2d 113 (1971) an indigent must be given access to courts in divorce action, plaintiff submits that 39 U.S.C. 1915 (B) (1) etc. places a statutory provision that authorizes the general waiver of fees and appeal of in forma pauperis and that his appealing the excessive use of force provided by Article

Section 15 and The 8th Amendment of the United States Constitution cruel and unusual punishment clause. Petitioner submits that due to the courts denial of him to proceed *in forma pauperis* is a complete violation of Plaintiffs right to access of the courts and that this interlocutory appeal on the federal and state violations are a premature order to this suit and that the court shall grant counsel to petitioner can get a full view of the record and trial of this case.

Conclusion

Petitioner shall be granted leave in this case or to the alternative granted counsel and *in forma pauperis* in this case to handle the appeal and civil trial and or any other reasonable order it deems necessary

I swear under penalties and perjury that the foregoing is true and correct this 21st day of April 2019

~~SLADDER BROTHERS~~
ALTON BROTHERS
6825
4960 Broadview Rd
Columbia SC 29706

Exhibit A

Order of APRIL 17th 2019 by V. CLAIR ALLEN in which petitioner moves to stay THE Enforcement of The Judgment.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 15, 2019.

Altony Brooks, #313000
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Altony Brooks v. SCDC
Appellate Case No. 2018-001907

Dear Mr. Brooks:

Please see the enclosed order regarding this appeal.

Failure to comply with the Court's order will result in the dismissal of this appeal.
The remittitur will be sent in accordance with Rule 221, SCACR.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

cc: Samuel F. Arthur, III, Esquire
John Gatling Hofler, III, Esquire

The South Carolina Court of Appeals

Altony Brooks, Appellant,

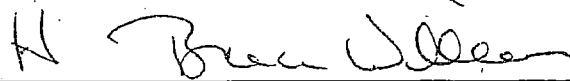
v.

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. 2018-001907

ORDER

The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.



FOR THE COURT

Columbia, South Carolina

cc:

Altony Brooks, #313000
Samuel F. Arthur, III, Esquire
John Gatling Hofler, III, Esquire

FILED

January 15, 2019

Exhibit B

V. Clair Allen February 7th 2019 letter of dismissal and order of December 14th 2019
Dismissal that V. Clair Allen dismissed that was reversed upon reinstatement
on January 15th 2019 in which the court should have set aside but did not
by oversight. as well as remittitur that should have never been sent to
the lower court due to plaintiffs objection and motion to alter or mend etc

LEGAL MAIL

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.


FOR THE COURT

C.J.

Columbia, South Carolina
March 15, 2019

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



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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COLUMBIA, SOUTH CAROLINA 29201
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FAX: (803) 734-1839
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April 17, 2019

Altony Brooks, #313000
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Altony Brooks v. SCDC
Appellate Case No. 2018-001907

Dear Mr. Brooks:

The Court has received your motions dated February 4, 2019, and March 7, 2019, requesting a rehearing of the Court's order denying the motion to proceed in forma pauperis that was issued on January 15, 2019. Pursuant to Rule 221(c) of the South Carolina Appellate Court Rules, "The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal." Therefore, your motions for rehearing will not be acted on, and are being returned to you. Furthermore, the \$250 notice of appeal filing fee must be paid within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Samuel F. Arthur, III, Esquire
John Gatling Hofler, III, Esquire

7

SOUTH CAROLINA COURT OF APPEALS
RECEIVED

Alton Brooks
Plaintiff

FEB 04 2019

Case# 2018-001907

v.
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,
Christopher Williams, Capt. H. Root, Capt. Duffey,
Major Early, Lt. Church, Sgt. Tucker, Amy Caldwell,
D.C. Mitchem, D.C. Rivera, John Decker and
SOUTH CAROLINA Budget and Control Board,
Respondents

Plaintiff motion in affidavit ~~and~~ to
~~_____~~ alter and amend Judgment
under S.C.R.C.P. 59 or relief from
Judgment as excusable Neglect under
S.C.R.C.P. 60 B 1 and ^{File the court} to retrieve lower
court records of PLAINTIFF original complaint
granting INFORMA PAUPERIS so plaintiff could proceed
in this trial.

Plaintiff states that the January 15th 2019 order signed by the court dismisses the case provided by Ex Parte Martin, 331 S.C. 533, 471 S.E.2d (1995) in which the plaintiff eventually was able to proceed in forma pauperis, as he meet the requirements of the statute to appeal and receive in forma pauperis upon his appeal to the higher court. Petitioner, submits that S.C.R.C.P. (3) states you may only be allowed to proceed in forma 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 in forma pauperis shall file in court a motion to leave to proceed in forma 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 in forma 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 in forma pauperis and thus the court denies 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 in forma pauperis. Plaintiff further directs the court to the lower court record to review the complaint for in forma pauperis review as 'Judicial notice' and grant leave in this court upon that review and plaintiffs motion for leave to proceed in forma pauperis filed in this appeal. As provided by rule 59 E S.C.R.C.P. Plaintiff moves to alter or amend the Judgment and have the court allow plaintiff to proceed in forma pauperis

In the above case of Alton Brooks under Rule ^{10b} B To Set aside the Judgment GOB SCRP (a) states, Rule B is substantially the same as rule 815-27-130

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 infirma 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 infirma pauperis. Petitioner moves to amend the ruling on the ground of the court not reviewing the lower court record to grant infirma pauperis, as if he was able to proceed infirma pauperis in the lower court it's presumed he could proceed infirma pauperis

in the South Carolina Court of Appeals infirma pauperis in the appeal of the same case

at hand. Petitioner submits that the order granting him infirma 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 infirma pauperis in the Greenville county court of common pleas in this case on these grounds petitioner moves to alter or amend or set aside the Judgment.

Conclusion

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

I swear under Penalty and Perjury that the foregoing is true and correct

this 23rd day of January, 2019 Alton Brooks
Alton Brooks 313076
MCI
386 Redemption way
McCormick SC 29879

(pg 2)

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

FEB 04 2019

letitia H. verdin 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 Duff,
major Early, H. church, ST TUCKER, amy Enloe LIN, ofc Mitchum, ofc RIVERA
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 592 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 Box 1931
Florence SC 29503 and The South Carolina court of Appeals v. clair Allen PO Box
11629 Columbia SC, 29211. I swear under penalty and perjury the foregoing
is true, and correct. Prison mail Box title
January 23rd 2019

Anthony Brooks
Anthony Brooks 313006
MCB
386 Redemption way
McCormick SC 29899

To: South Carolina Court of Appeals
Po Box 11629
Columbia, SC 29211

RECEIVED

FEB 04 2019

SC Court of Appeals

RE: Altant Brooks vs. Sedco, et al case # 2018-001907

Dear Jenni Abbott Kitchings,

Enclosed is Petitioner's motion in affidavit to alter or amend Judgment under SCRCR 59 or relief from Judgment as excusable neglect under SCRCR 60 B 1. Please have this document filed with a clocked date stamp copy

January 23rd 2019

Thank you, S. L. Altant Brooks

Altant Brooks
MEI
386 Redimp Bzwy
McCormick SC 29571



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 07, 2019

Altony Brooks, 313000
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Altony Brooks v. SCDC
Appellate Case No. 2018-002057

Dear Mr. Brooks:

This Court sent a letter requesting the filing fee and a corrected proof of service for your correspondence filed on December 27, 2018, which this Court construed as a motion to reinstate the appeal. As of the date of this letter, we have not received these corrections. Therefore, no further action will be taken on your motion to reinstate.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Samuel F. Arthur, III, Esquire
Paul B. Wickensimer

The South Carolina Court of Appeals

Altony Brooks, Appellant,

v.

South Carolina Department of Corrections, Christopher Williams, Capt., Lt. Root, Capt. Duffy, Major Early, 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. 2018-002057

The Honorable Letitia H. Verdin
Greenville County
Trial Court Case No. 2016CP2304303

ORDER

Appellant has failed to submit the \$250.00 notice of appeal filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules, and letter of this Court dated November 20, 2018. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY

V. Claire Allen, Deputy
CLERK

FILED

December 6, 2018

Columbia, South Carolina

cc:

Altony Brooks, 313000

Samuel F. Arthur, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN,
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 07, 2019

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: Altony Brooks v. SCDC
Lower Court Case No. 2016CP2304303
Appellate Case No. 2018-002057

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Altony Brooks, 313000
Samuel F. Arthur, III, Esquire

Exhibit D.

Showing plaintiff did not receive vicclair Allen Leor and order of dismissal until ~~January~~ February 22nd 2019 at Broad River correctional and that Broad River mail room received it on February 22nd 2019.

LEGAL MAIL



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED

FEB 22 2019

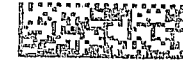
BRGI
MAILROOM

Hasler

02/07/2019

US POSTAGE

\$00.50⁰⁰



ZIP 29201
011D12602824

Brooks

RECEIVED

FEB 18 2019

MCCI
MAIL ROOM

ALTONY BROOKS, 313000
MCCORMICK CORRECTIONAL INSTITUTION
386 REDEMPTION WAY
MCCORMICK SC 29899

Altony Brooks

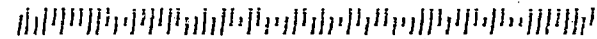


Exhibit c

plaintiff's January 23rd 2019 filed motion in affidavit to alter or amend
Judgment and or set aside judgment of January 15th 2019 order of dismissal.

LEGAL MAIL

SOUTH CAROLINA COURT OF APPEALS

RECEIVED

MAR 07 2019

Anthony Brooks
Plaintiff

Case: 2018-001907

SC Court of Appeals

vs.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
CHRISTOPHER WILLIAMS, Capt., IT, ROO, Capt Duffey,
Major Early, Church, Sgt Tucker, Amy Enloe
and Joel Rivera, Kenneth Mitchell, OFC Martin
and South Carolina Budget and Control Board
Defendants

Plaintiff's motion for Rehearing
En Banc and or Reinstatement of
Case and objection to the clerk of
court's February 7th 2019 letter and
submission of the court's December 6th 2018
order and for the court to rule on
his January 23rd 2019 motion and the court's
January 15th 2019 order

Plaintiff moved the court for rehearing of case en banc as provided by SC Rules
APP Rul 214. Hearing or rehearing of case by the court of APPEALS En Banc.

(A) when hearing or rehearing en banc will be ordered, it shall require the affirmative
vote of six members of the court of APPEALS to hear or rehear an appeal or other
proceeding en banc; A hearing or rehearing en banc is not favored and ordinarily will not
be ordered except (1) when consideration by the full court is necessary to secure or maintain
uniformity of its decisions; or (2) when the proceedings involve questions of exceptional
circumstances.

Plaintiff moved for a rehearing of his January 23rd 2019, Plaintiff's motion to alter
and amend judgment under SC RCP 59 or relief from judgment as excusable neglect
under rule 60B1 and for the court to review lower court records of Plaintiff original
complaint granting in forma pauperis so Plaintiff could proceed on appeal.

Plaintiff submits that on January 15th 2019 the court denied Plaintiff to proceed
in forma pauperis pursuant to *Ex parte Martin* 321 S.C. 533, 471 S.E.2d 134 (1995)
stating that the filing fee must be paid within 15 days of the date of the
order, stating that Plaintiff's failure to comply with the court's order will
result in the dismissal of this appeal. The remittitur will be sent in
accordance with Rule 221, S.C.A.C.R. see exhibit A. The letter was sent by
Jenny Abbott Ketchings

ON February 7th 2019 bench clerk v. Clair Allen sent Plaintiff a letter and
remittitur sending the case to the lower court see exhibit B with a December 6th 2018
signed order of the clerk of court, this order is in guidelines with rule 260 of

LEGAL MAIL

South Carolina Appellate court rules, dismissal and reinstatement, whenever, it appears that an appellant or petitioner has failed to comply with the requirements of those rules, the clerk shall issue an order of dismissal which shall have the same force and effect as an order of the appellate court. The case shall not be reinstated except by leave of the lower court, unless cause shown, after notice to all parties, the clerk shall remit the case to the lower court or administrative tribunal accordance with 201 unless a motion to reinstate the appeal has been actually received by the court within 15 days of filing of the order of dismissal (the day of filing being excluded)

Plaintiff submits that he received clerk v. Allen clark order on February 25th 2019 per scanning the mail log at Broad River Cor. and that Broad River mail room received the order of v. clark Allen dismissal and remittitur February 22nd 2019. See exhibit. Plaintiff submits that his January 23rd 2019 motion exhibit attached addressed the order of dismissal and requested that the January 15th 2019 order of the Appellate court be set aside due to excusable neglect and the court to review the record to see that he was granted informo parulis in the lower court and thus shall be allowed to proceede informo parulis on Appeal v. clark Allen February 7th 2019 order shall be "rescinded" on the grounds that Plaintiff's motion to set aside judgment was filed the day he placed it in the mail box on January 23rd 2019 to be mailed to the court in guidelines with Rule 21(C)(3) of Appellate court rules and thus v. clark Allen should have not remitt the case to the lower court and Plaintiff's motion to alter or amend judgment or relief under rule 60 B's should have entertained his motion before dismissing the case as reinstatement. Plaintiff objects to v. clark Allen February 7th 2019 letter stating that this court sent a letter requesting the filing fee and a corrected proof of service for your correspondence filed on December 27th 2018 which this court construed as a motion to reinstate the appeal. As of the date of this letter, we have not received those corrections, therefore no further action will be taken on your motion to reinstate. Plaintiff objects and submit that on December 27th 2018 he sent the proof of service correction and that v. Allen clark allegations are untrue. Furthermore Plaintiff without any law access, books and placement on lock up at the hands

of defendant's side and without confession and waiver of plaintiff fitness and local
"Box" caused plaintiff to write a letter and motion to the court on December 27th 2018
so he wouldn't default. This document was not to be construed as reinstatement but
alleges grounds for reinstatement. On January 15th 2019 the court never stated anything
about the court construing plaintiff's December 27th 2018 letter as a motion to
reinstatement. The court sent a letter specifically stating that if plaintiff
does not pay the filing fee IN 15 days the case will be dismissed see exhibit A
IN return plaintiff filed his motion in affidavit etc see exhibit C informing
the court that his entitled to in forma pauperis quoting RULE 3 C of SCRP and quoting
Marbury. Nothing in the court's January 15th 2019 order stated anything about
plaintiff not concealing his proof of service. Reason why because plaintiff proof
of service was corrected IN December. V. Clair Allen Deput Clerk February 7th 2019
letter enclosed the December 6th 2018 order of the court with a letter sent by
her stating that plaintiff failed to submit a filing fee and corrected proof of
services this is a nullity. see V. Clair Allen February 7th 2019 letter and order
is capricious or arbitrary if its without a rational basis, is based on ones will and
not upon any cause of reasoning and exercise of judgment is made at
pleasure without adequate determining principles or is governed by no fixed
rules or standards see Ross v. Moffitt supra Hatchett v. South Carolina District
Council of Assemblies of God Inc 207 S.C. 107, 226 S.E2d 253 (1976) Turberville
Morris 203 S.C. 287, 26 S.E2d 221 (1943) Plaintiff submits the V. Clair Allen
order of February 7th 2019 is not governed by any law and shall be set aside
as the January 15th 2019 order by the Judge is the ruling order of this court during
in forma pauperis NOT the court's December 6th 2018 order and moves the court to rule on
his January 23rd 2019 motion and or grant rehearing on the January 15th 2019 order
by the court dismissing the appeal on grounds of in forma pauperis ~~and~~

I swear under penalty and fees that the foregoing is true and correct
This 1st day of March 2019 Sclerz

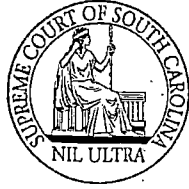
(p 33)

LEGAL MAIL

Exhibit A

January 15th 1989 order of dismissal

LEGAL MAIL



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

March 1, 2019

Bryan Peter Stirling, Esquire
4444 Broad River Road
Columbia, SC 29210

Re: Altony Brooks #313000

Dear Mr. Stirling:

This will acknowledge receipt of a letter from Mr. Brooks in which he expresses concerns about his medical treatment and time served. In view of this we are forwarding you a copy of Mr. Brooks' letter for any assistance you may be able to give him.

Very truly yours,

CLERK

/bs

Enclosure

cc: Mr. Altony Brooks #31300

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.



C.J.

FOR THE COURT

Columbia, South Carolina
March 15, 2019

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

DIVISION OF CLASSIFICATION AND INMATE RECORDS
RHU CLASSIFICATION REVIEW
INMATE DISPOSITION

INMATE NAME: Anthony Brooks SCDC #: 317000 INSTITUTION: Broad River
TYPE OF REVIEW: SD Placement DATE PACKET RECEIVED: 03/18/19
INMATE CUSTODY PRIOR TO REVIEW: ST DATE OF PLACEMENT: 01/28/19
RHU COORDINATOR DECISION: Disapprove Security Detention

The justification for this decision was: Due to your pending release from the South Carolina Department of Corrections.



RHU COORDINATOR



CLASSIFICATION CASE MANAGER/DESIGNEE

3/20/19
Date

3/28/19
Date

FILE: Institutional Record

~~092~~

Altony Brooks 313000

BRCI

4460 Broad River Rd

Columbia SC 29210

RECEIVED

APR 23 2019

BRCI
MAILROOM

SOUTH CAROLINA SUPREME COURT

PO BOX 11330

Columbia SC 29211

LEGAL MAIL