

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

David Richard Walker, Jr.,
SCDC No. 294267, Plaintiff,

VS

Joshua Lawter, et al.,
Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION No. 2019-CP-~~23~~-01421

MEMORANDUM IN SUPPORT
OF PLAINTIFFS' CLAIM(S)

RECEIVED
OCT 17 2019
SC. Court of Appeals

The matter comes before this court according to plaintiff's claim that defendant(s) violated civil-right and, civil-duty — when their actions, acts, and demeanors caused unlawfully imprisonment to plaintiff, and their furthered neglects caused unlawful and — un-constitutional seizure (as within seizure of the plaintiff). And, upon several notice, request, and complaint(s) — to defendant(s) for action — to gain release from the unlawful imprisonment — and, unlawful seizure, and being held unlawfully in a(n) state's penal institutions' isolation, i.e. Punitive Isolation Unit by defendant(s).

I. PLAINTIFF HAS BROUGHT THIS CIVIL ACTION/CLAIM FOR — UNLAWFUL SEIZURE, UNLAWFUL IMPRISONMENT, AND CIVIL RIGHT VIOLATION, AND NEGLECT TO/OFF CIVIL DUTY.

— Plaintiff filed this claim's: Unlawful seizure, unlawful — imprisonment, violation to (towards/of) Civil - Right, And Neglect of Defendant(s) to complete their official - duty / official - duties on March 20, 2019 (File Date) and, within the law of South Carolina

has brought a pleasurable and, adequate and appropriate claim [3] to this court, for the court to administratively ~~take~~ take the — plaintiff's claim(s) as essential, (to go to trial), (to allow relief). and, this court has/holds proper (and) official-authority — and, proper official-jurisdiction to ensure and allow process-litigation to trial by the court or trial by jury (at plaintiff's discretion(s)).

In the Law(s) of South Carolina an plaintiff can bring an civil-claim to a(ny) court, proceed with a(ny) civil-action, and if that (civil) claim holds/has text/context and claim(s) that cite a(ny) (proper/appropriate) cause-of-action.

The Cause-of-action is proper and appropriate and/or — adequate when it cites "any and (or) all defendant(s) violated a(ny) civil-law held within the South Carolina Juris (system) (Text)."

In the Law(s) of South Carolina a(ny) claim of unlawful seizure is an violation to the civil-law of this state (of South — Carolina) and, thereof is proper to bring, litigate — as an cause of action, Prese by the constitution of South Carolina.

And, plaintiff brings claim/s that upon being held and — unlawfully seized by the defendant(s) violated his civil-right(s) and hereto violated the state's constitution within (text) Article I, — section 10, by their acts and actions, and demerors to hold unlawfully the plaintiff within seizure; and, seized plaintiff and his property, as well as an state-inmate within confinement/imprisonment (to); and by the state of South Carolina (within the states penal-system). And, — so Hereof brings appropriate claim(s) of violation to/towards and, thereof brings appropriate cause-of-action (in claim(s) by plaintiff).

In the Law(s) of South Carolina a(ny) claim of unlawful imprisonment is an violation to the civil-law of this state, and thereof is proper to bring, litigate — as an cause of action, Pro Se by, the constitution of South Carolina,

And, plaintiff brings claims that upon being seized and —, unlawful imprisoned by defendant(s) violated his civil-right(s) and, hereto violated the state's Constitution within (text) Article F, Section 03, and Article I, section 10 And, Article I section 13, by the acts/actions/demeanors of defendants to unlawfully imprison the — plaintiff to (within) the state's penal-system's punitive-isolation unit, and, upon request, notice, complaint(s) (to defendant(s)) for release, plain-iff was deprived physical and civil liberty (and), property, and welfare, and, held; unlawfully imprisoned by defendant's physical and civil — demeanors and, held by their civil state (official) authority/power, vested towards/to them by their position(s)/employment with the state of South Carolina in the state's Dept, Department of — Corrections (SCDC).

In the Law(s) of South Carolina a(ny) claim of a(ny) — State government official whom violates their official-duty is an violation to the civil-law of this state, and thereof is proper to bring, litigate — as an cause of action, Pro Se by the Constitution of South Carolina, ie when the acts/actions that violated official-duty violates the right(s) of a(ny) citizen, esp.

And, Plaintiff brings claim that defendant(s) held/had a(n) Official duty to complete their official-duty associated within and, associated to their official-position and employment by within the state of South Carolina's penal-system — SCDC) And, Here to —

Violated the state's constitution within (text) Article I, section 08, by their acts/actions/demeanors of (unlawfully) neglecting to ensure and allow due-process/ies to function/functions — of the government and — governmental — exercises/function/power/authority/etc. that are and is essential within the government, to ensure that our/the — government is civil — Essential and — without deficient/deficiency.

Esp. when and where defendant(s) acts/actions/demeanors caused, ensured, allowed — unlawful unlawfully imprisonment, — seizure, and deprivation/s to/towards governmental essential(s) esp. when and where held incarcerated by the government (The State), to include release from unlawful seizure/unlawful imprisonment.

In the Law(s) of South Carolina only claim of Cruel and/or unusual punishment infliction is an violation to the civil-law of this State, and thereof is proper to bring, litigate — as an cause of action, Pre Se By the Constitution of South Carolina.

And, plaintiff brings claims that upon being seized and, unlawful imprisoned — by defendant(s) violated his civil-right (s) and was thereof — infliction of Cruel and unusual punishment by defendant(s) to/towards plaintiff, and violated hereto, the State's Constitution within (text) Article I, section 15, And,

Further, plaintiff endured/sustained — infliction(s) of Cruel and/or unusual punishment by the conditions, and circumstances of (within) the isolation-unit \approx i.e. extreme infestions, extreme in-sanitary, and extreme denials to adequate/appropriate — food/s, beverage/s, care, assess-ment to health and sanitary care — etc. And, within an condemned (Housing) Unit. (Condemned by DHEC priority — due to conditions of unit, and health — Hazards),

II. PLAINTIFFS' CLAIM, DUE TO CLAIMS WITHIN ARE ALSO CLAIMS OF VIOLATION/DEPRIVATION TO DUE PROCESS TO SUBSTANTIVE AND FUNDAMENTAL RIGHTS AND PROCEDURAL DUE PROCESS DEPRIVATION/VIOLATION

— Plaintiff within his claims brought forth that the — defendant(s) violated aforesaid civil-right(s) and neglected the aforesaid civil-duty, i.e. whereof the defendant(s) held an — official-duty to ~~promote~~ guarantee and ensure that all/ any physical/civil/arbitrational act/action is completed, ensured, provided towards (to) governmental-matters, governmental-issues, and governmental-concerns — prese in any/all matters/issues/concerns/etc. (that are substantive (towards) to defendant(s) governmental physical and/or —) (civil duty obligated to defendant(s), and the state of South Carolina — etc).

And, thereof and hereto — indicated a(n) violation/deprivation — to due-process (essential and obligated (to defendant(s) by aforesaid), and due-process/due-processes to (substantive) (fundamental) right(s) that are substantive and fundamental within civil-right and — human-right (s) substantive and fundamental to plaintiff. And, indicated an deprivation/violation to (towards) procedural due-process (and, procedural due processes) that where indicated (action^s) violated (deprived) in the neglects and deprivation (act^s/action^s/deemeanors) of defendant(s) — towards (to) plaintiff, (within/by claim of plaintiff).

And, these violations/deprivations are violation to (at/within) civil-law that fundamentally are ensured to plaintiff according to civil-and-human rights, and State of South Carolina Juris system(s). And, hereto are to be considered fundamental and substantive to (at) plaintiff's right/claim(s).

DUE PROCESS (Procedural/Substantive) protects the right to be free from uncivil and unjustified intrusion/s into (towards/to) the physical, civil, and — personal integrity/integrities (i.e. welfare, liberty, —) (property, bodily, civil/integrity, etc) of a(ny) person, to include — unjustified (uncivil) seizure(s) of a(ny) person or his liberty/integrity or property (s). So Due Process — Due processes must be processed, — ensured, and provided (guaranteed) by procedural or/and substantive due-processes (by government / by defendant(s) when a(ny) issue, concern, and matter substantively indicates a(ny) intrusion into /towards a(ny) civil, physical, — human right. To include unlawful imprisonment or/ (and) unlawful seizure of a person and his liberty, integrity, property, etc.

UNLAWFUL/UNCIVIL SEIZURE AND — UNLAWFUL/UNCIVIL — IMPRISONMENT is the unlawful restraint by (one) person of the physical liberty of another (without consent or legal justification). Freedom from bodily restraint and punishment is within liberty interest. The freedom of bodily restraint lies at the core of the liberty protected by the due-process clause of both State and Federal Constitution.

And, to place the plaintiff within uncivil/unlawful — imprisonment (and seizure(s)), it has aboved violated the constitution at its' due-process clause, and so thereof and hereto defendant(s) violated this civil-right that indicates, ensures, protects, provides — that plaintiff is guaranteed to have essential, substantive, and adequate/appropriate due-process/due-processes towards (to) violation (violative) or, deprivation and intrusion of a bodily/civil/or physical integrities (integrity) due-processed by civil and human right. And — as aboved unlawful imprisonment/unlawful seizure(s).

III. PLAINTIFFS' CLAIM IS ALSO AN CLAIM OF — NEGLIGENCE / GROSS NEGLIGENCE (SOUTH CAROLINA LAW)

Under South Carolina Law (S), A(n) person has an — Civil-right to be free from gross-negligence and negligence Esp. citizen imprisoned (having i.e. special-relationship with state). according to *Deshaney v Winbego DSS* — US Supreme Court. And, the acts / actions of the defendant(s) deemed by civil-law(s) are considered to be actionable-negligence due at: (1) Civil and physical-duty was held by defendant(s) and (2) Due Care and — Slight Care was not afforded to plaintiff, as essential by civil-law / civil-right(s) And (3) Civil and physical duty indicated an civil-duty / physical duty to ensure, provide, and direct at least slight care and also due-care(s), (and) defendant(s) failure to complete such duty-care(s) was a(n) breach to — official-duty owed to plaintiff and the government, as actors of the state of South Carolina and official(s) to the state. And, (4) The Defendant(s) gross-negligence / negligence acts — actions, to (deny and refused obligated / solicited release(s)), ~~were~~ ^{were} the cause of the injury / damages sustained (in (this) the matter by plaintiff).

— Thereof, Plaintiff sustained negligence / gross-negligence by defendant(s) negligent acts / actions. The Defendant(s) Held a(n) (Legal) Civil / Physical Duty, and breached such duty, and by civil-law civil-duty is that which is required to be (done) completed, and is — forbidding to be breached or/and diminished by (the state) defendant(s). And, to hold-imprison an person (plaintiff) or seize an person is forbidding and indicates that such would be foreseeable to cause injury — etc.

In The Law(s) of South Carolina, a(n) Plaintiff has indicated, emphasized, and brought a(n) appropriate and adequate claim, when (it) indicated in the claim(s) — that a(n) civil right was deprived/violated/neglected by a(n) defendant, and that (the) violated/deprived/neglected (civil) right was the cause of a(n) injury (to/towards plaintiff). And, that plaintiff has filed and litigated within the Court provisional-rules(s), to include name and serve the named defendant(s) with appropriate Summons and Complaints — etc.

Therefore, It is clearly that plaintiff purports and indicates appropriate claims to (this) the court, and on these basis have purported and indicated claims that are appropriately appropriate to process as (constituting) appropriate cause of action, and deemed to be adequate/appropriate to proceed/process through this court. And, Hereto, this court has (holds) the subject matter jurisdiction to this matter and, it lies within, the courts official jurisdictional — jurisdiction. And, Hereto and Thereof proper and appropriate to proceed the proceedings/litigations to an trial within this court.

And, Hereto and Thereof — This litigation is appropriately litigated and is appropriate to be held and thereof should not be — dismissed, due to stated and sufficient facts, claims, and litigation (By —) (this court) Esp. indicated/abused by plaintiff, on this document/claim/etc.

DAVID RICHARD WALKER, JR. —
SCAL No. 294267 (PROSE PLAINTIFF)
LIEBER CORRECTIONAL INSTITUTION
POST OFFICE BOX 205 / 136 WILBORNE AVE.
RIDGEVILLE, SOUTH CAROLINA 29472