

RECEIVED

COLUMBIA, SOUTH CAROLINA

NOV 21 2019

2018-2162
2019CP4004271**SC Court of Appeals**MOTION FOR REINSTATEMENT AND RECONSIDERATION

Appellant believes that this court's order of dismissal did not follow the rules of the State Legislature as the court had told Appellant verbally that it intended to accept this order of insolvency from the State of Florida which was timely filed, and that the case manager had in fact discussed the issue with her manager which we presume was the Court of Appeals Chief Clerk. Furthermore, the rules in question are not Constitutional as he has been denied counsel in a quasi criminal proceeding in the Circuit and Probate courts of this state impacting his relationship with his children, the right to obtain a firearm, drive a motor vehicle, and his Citizenship as Appellant is not a citizen of this state, and South Carolina laws do not apply to visitors who have not broken the laws of South Carolina (Criminal Offenses). This issue of an order on Insolvency from Florida, is a Moot point however because the Circuit Court of South Carolina also found him insolvent in a recent order as attached in Exhibit A.

Since this court ordered a dismissal due to no material defect, or error, Appellant believes the clerk did not follow the rules of the court as set below and therefore can accept his reconsideration under FCRP59 furthermore, denying an appeal or review of appointment of counsel results in a Due Process Error under the 5th Amendment to the US Constitution, and is not permitted under the South Carolina Constitution as seen below.

South Carolina Rules in Error And in conflict with the South Carolina Constitution. Therefore Rule 260 of the State of South Carolina is not Constitutional in this case.

SC Constitution

Article 1 SECTION 3. Privileges and immunities; due process; equal protection of laws. The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.) Editor's Note The present provisions of this section are identical to former Section 5 of Article I as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art I, Section 12;;;MI;;;.

In this case I have been deprived life and liberty without counsel being appointed by the State of South Carolina. Gregory Parker was hired by Probate Judge Smiley to facilitate a trial at the Palmetto Richland Hospital where Appellant did not have counsel present.

RULE 260 DISMISSAL AND REINSTATEMENT

(a) Involuntary Dismissal and Reinstatement. Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to

reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).

Federal Rules of Civil Procedure – 60 – One year from Issue of Order – Plain Error

Rule 60. Relief from a Judgment or Order

Primary tabs

(a) **CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS.** The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) **GROUND FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING.** On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

(c) **TIMING AND EFFECT OF THE MOTION.**

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

(d) **OTHER POWERS TO GRANT RELIEF.** This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action;

or

(3) set aside a judgment for fraud on the court.

(e) **BILLS AND WRITS ABOLISHED.** The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela.

Sincerely,

John S. Stritzinger
2156 Cresthill Rd
Columbia, SC 29223

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2156 Cresthill Rd
Columbia, SC 29223

2019CP400 4271

STATE OF SOUTH CAROLINA,)

IN THE COURT OF COMMON PLEAS

COUNTY OF _____)

5th JUDICIAL CIRCUIT

Stritzengel)
Plaintiff)

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

vs.)

Stritzengel)
Defendant.)

FILE NO. _____

Appellant

I, John Stritzengel being duly sworn, state that I am the Plaintiff and that

I do not have the funds available to pay the costs of filing and service in the present matter

hereby request that the complaint be filed and service made without costs, or with probate balances

Sworn to and Subscribed before me
this 21 day of July, 2019

[Signature]
Notary Public for South Carolina

My Commission expires May 18 2022

[Signature]
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

Richland County
FILED
2019 JUL 31 PM 4:40
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.
Appellate & Probate only

ORDER

Leave is granted to proceed in forma pauperis without payment of the filing fee.

Therefore, no order for distribution of funds is necessary.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is denied to proceed in forma pauperis.

Dated: August 8, 2019
Columbia, South Carolina

[Signature]
JUDGE/CLERK OF COURT

Richland County
FILED
2019 AUG 12 AM 10:54
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2019CP4004271

Stritzinger

Stritzinger

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

RICHLAND COUNTY
 FILED
 2019 AUG 12 AM 11:01
 JEANETTE W. ABRIDGE
 CLERK, C.S. & F.C.

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by Court

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 12 August 2019 to attorneys of record or to parties (when appearing pro se) as follows:

John Stritzinger

John Stritzinger

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. Abridge