

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

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SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
Administrative Law Judge Ralph King Anderson, III

ALC Case No. 19-ALJ-04-0446-AP
Appellate Case No. 2020-000251

Kenneth Rivera, #318979, Appellant

v.

South Carolina Department Of Corrections, Respondent.

REPLY BRIEF OF Appellant

Kenneth Rivera #318979
BRCI-Wateree B #225
4460 Broad River Road
Columbia, South Carolina 29210

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TABLE OF AUTHORITIES

CASES

Cunningham v. Jones, 567 F.2d pg. 653 (6th Cir. 1977)

LeFevers v. Saffle, 936 F.2d pg. 1117 (10th Cir. 1991)

Moorish Science Temple of America, Inc v. Smith, 693 F.2d 987 (1982)

STATEMENT OF THE CASE

This matter is before the South Carolina Court of Appeals pursuant to the appeal of Kenneth Rivera ("Appellant"), from the Administrative Law Court Order of dismissal on February 3, 2020. This present matter is Appellant Reply to Respondent April 13, 2020 Initial Brief.

ARGUMENT

This matter is before the South Carolina Court of Appeals Appellant Reply Brief to Respondent Initial Brief. Respondent brief should be dismissed for the following reasons:

1. Respondent fail to prove any law Policy/procedure where it gives them the right and/or authority to deny Appellant vegetarian meals during institutional Lock down.
2. Respond admitted that they provide medical diets meals but yet its time consuming to provide (26) twenty-six vegetarian meals... See pg 5 of respondent brief.
3. Respondent does not have any Policy/Procedure that prohibits Appellant from receiving a vegetarian diet during institutional lock down.

ARGUMENT ONE

Respondent's have no authority to deny Appellant religion and Kosher law. Respondent brief is not supported by the law.

In Cunningham v. Jones, 567 F.2d 653 (6th Cir. 1977)
held:

"Prison Officials must show that a restricted diet is nutritionally adequate..."

ARGUMENT TWO

Respondents claim that providing Appellant a vegetarian diet is time consuming. However, there's 26 prisoners at Broad River Correctional Institution ("BRCI") that receive Alternate (Vegetarian) meals and over 100 prisoners that receive medical diets. In Moorish Science Temple of America, Inc v. Smith, 693 F.2d 987 (2nd Cir. 1982)
held:

"Failure to provide diet conforming to muslim religious beliefs stated a claim..."

ARGUMENT THREE

Respondent failure to state the Policy/Procedure that gives them the authority to deny Appellant a vegetarian diet during institutional lock down. In Lefevers v. Saffle, 936 F.2d 1117 (10th Cir. 1991)
held:

"
Claim of denial of Vegetarian diet
was not frivolous..."

Because Respondent failure to show that they have Policy/Procedure or any authority to violate Appellant "Ital" law to his religion by not providing him with vegeterian meals during institutional lockdown their brief should be dismissed.

CONCLUSION

Appellant pray that this court grant his Brief and deny Respondent's Brief.

Respectfully Submitted,

Kenneth Thew

Kenneth Rivera #318979

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Kenneth Rivera, #318979, Appellant,

v.

South Carolina Department OF Corrections, Respondent.

PROOF OF SERVICE

I hereby certify that on today's date, I mailed a copy of the Reply Brief to Respondent, addressed as follows: Annie Laurie Runkler, P.O. Box 21787, Columbia, SC 29221-1787.

April 15, 2020

Kenneth Rivera

Kenneth Rivera #318979

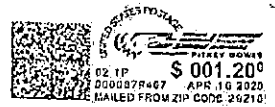
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