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JUN 11 2020

S.C. SUPREME COURT

June 10, 2020

Daniel E. Shearouse
Clerk of Court
The Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

Re: *Carla Denise Garrison and Clint Garrison v. Target Corporation, et al.*
Appellate Case No.: 2020-000523

Dear Mr. Shearouse,

Pursuant to Rule 208(b)(7), I write to bring a supplemental authority to the Court's attention that was not available at the close of briefing on Carla Denis Garrison's certiorari petition. The supplemental authority is *Lomax v. Ortiz-Marquez*, __ S.Ct. __, WL 3038282 (June 8, 2020), a case recently decided by the United States Supreme Court. A copy of the decisions is attached for the convenience of the Court and the counsel opposite.

In *Lomax*, the Court addresses statutory language found in 28 U.S.C. § 1915(g), specifically the phrase, "dismissed on the grounds that it . . . fail[ed] to state a claim upon which relief may be granted[.]" See 2020 WL 3038282 at *2. The question was, whether a suit dismissed for failure to state a claim counts as a strike when the dismissal was without prejudice." *Id.* The Court unanimously held, "that it does [because] [t]he text of Section 1915(g)'s three-strikes provision refers to any dismissal for failure to state a claim, whether with prejudice or without." *Id.* At *3. It was explained that the statute's "broad language covers all [] dismissals," because, "this Court may not narrow a provision's reach by inserting words Congress chose to omit." *Id.*

Lomax speaks to the argument advanced in Carla Denise Garrison's certiorari petition and reply, specifically pages 3 through 6 of the petition, and pages 2 through 5 of the reply.

Thank you in advance for passing this supplemental authority along to the Justices.

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