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SC Court of Appeals

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STATE OF SOUTH CAROLINA 199 DEC 30 11 IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

Maurio Dactrel Rivers,

Plaintiff,

Versus

Dorchester County Sheriff's Dept. and
Berkeley County Sheriff's Dept.,

Defendants.

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS AND DENYING
PLAINTIFFS MOTION TO REINSTATE

THIS MATTER is before the Court upon Plaintiff's Motion to Reinstate and Defendants Motion to Dismiss. A hearing was held on August 13, 2018 before the Honorable Edgar W. Dickson. The Defendants argued that the claims asserted by Plaintiff fail to state facts sufficient to state a claim upon which relief may be granted as to the Defendants. The Defendants further argued that Plaintiff's claim is barred by the doctrine of collateral estoppel as he previously adjudicated and settled claims against the Defendants that arose from the same facts and circumstances alleged in this action. Finally, the Defendants argued that the applicable statute of limitations has expired on the claims since the incident occurred on July 12, 2011. The Plaintiff's petition to proceed *in forma pauperis* was denied on September 12, 2013 and the Plaintiff failed to reinstate his cause of action until January 11, 2017. As such, the applicable statute of limitations has expired.

Based on the foregoing and the arguments presented by Plaintiff and Defendants at the hearing on August 13, 2018, the court DENIES the Plaintiff's Motion to Reinstate and GRANTS the Defendants' Motion to Dismiss.

IT IS SO ORDERED that the Plaintiff's Motion to Reinstate is DENIED and the Defendants' Motion to Dismiss is GRANTED.

ORDERED AND ENTERED this _____ day of December 2019.

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