

The Supreme Court of South Carolina

Michael Braxton, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-001015

ORDER

On July 1, 2020, the South Carolina Court of Appeals issued a decision in this matter. *Braxton v. South Carolina Department of Corrections*, Op. 5737 (S.C. Ct. App. filed July 1, 2020). When no petition for rehearing was received, the Court of Appeals sent the remittitur on July 23, 2020. By order dated July 29, 2020, petitioner's first attempt to seek review the decision of the Court of Appeals was dismissed.

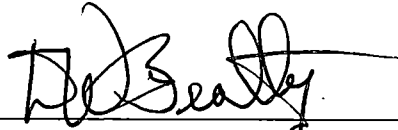
Petitioner has now filed a petition for a writ of certiorari, a notice of appeal, and a motion to proceed *in forma pauperis*. These documents again seek review of the decision of the Court of Appeals.

Since there is not a final decision of the Court of Appeals for this Court to review in this matter,¹ and since the Court of Appeals has properly issued the remittitur ending appellate jurisdiction,² the petition, notice of appeal, and motion are hereby

¹ Under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review under Rule 242.

² When no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The

stricken and dismissed.



C.J.

FOR THE COURT

Columbia, South Carolina
September 3, 2020

cc:

Salley W. Elliott, Esquire
Christina Catoe Bigelow, Esquire
Annie Laurie Rumler, Esquire
Jana E. Shealy
Jenny Abbott Kitchings, Esquire
Michael Braxton, #119081

sending of the remittitur ended appellate jurisdiction over this case. *Stogsdill v. S.C. Dep't of Health & Human Servs.*, 415 S.C. 568, 784 S.E.2d 669 (2016); *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).