

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

2018-CP-35-00058

Terron Dizzley,

Plaintiff,

vs.

South Carolina Department of Corrections

Defendant.

ORDER DENYING RELIEF

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SC Court of Appeals

This matter came before the court on Plaintiff's Motion for Relief from Judgment or Order pursuant to Rule 60(b), SCRPC. The Defendant filed his Motion on January 8, 2020 and a hearing was held on February 5, 2020 at the McCormick County Courthouse. Plaintiff appeared *pro se*, and Stephen Pruitt, Esq. appeared on behalf of Defendant. Based on the arguments of the parties and the files on record, Plaintiff's Motion is denied.

Plaintiff argued that his Motion should be granted based on excusable neglect because he did not receive notice of this court's order granting summary judgment against Plaintiff on December 10, 2018. Defendant argued that Plaintiff did in fact receive notice of the court's order.

A Motion for Relief from Judgment or Order requires the petitioner to file within one year after the Order or Judgment was entered. Rule 60(b), SCRPC. The Order Plaintiff seeks relief from was entered on December 10, 2018. However, Plaintiff filed his Motion on January 8, 2020. Because Plaintiff filed his Motion over one year from the date of entry of the Order, this court finds Plaintiff's Motion to be untimely and therefore his Motion is **DENIED**.

AND IT IS SO ORDERED.

[ELECTRONIC SIGNATURE PAGE TO FOLLOW]