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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge

Appellate Case No.: 2021-000271

Amir Afshar,

Appellant,

v.

Farhana Javed and Mian Javed
Ikram,

Respondents.

RETURN TO MOTION TO REINSTATE APPEAL

The Respondents reply to the Appellants Motion to Reinstate Appeal and say as follows:

The Court issued an Order on May 13, 2021 dismissing the appeal based on the Appellant's failure to provide proof of timely service upon the Respondents as required by Rules 203(b)(1) and 262)(c) of the South Carolina Appellate Court Rules.

The Appellant's Motion to Reinstate Appeal on its face admits that proof of timely service was not made under the Rules. On that ground alone, the Motion should be denied.

Further, even if timely proof of service had been made, the Appellant has failed to comply with other Rules. First, the Appellant failed to request a transcript as required under Rule 207(a)(1), SCAR. The Appellant filed his Notice of Appeal on March 9, 2021. Rule 207(a)(1) requires the Appellant to request the transcript within 10 days of service of the Notice of Appeal and for Appellant to contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. The Appellant failed to do any of those things.

Further, even if a transcript did not have to be ordered, the Appellant did not file his initial brief timely pursuant to Rule 208(a)(1). The Appellant did not file the initial brief at all.

Rule 260(a), SCAR, states that an appeal that is involuntary dismissed for failure to comply with the Rules "...shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties...". No good cause has been shown by the Appellant as Appellant admitted

in his Motion that timely proof of service was not made and the Appellant failed to comply with other critical Appellate Court Rules.

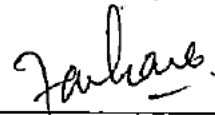
Therefore, based on the foregoing, the Appellant's Motion to Reinstate Appeal should be denied.

May 27, 2021.

Respectfully Submitted.



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PROOF OF SERVICE

We certify that on May27,2021 , We served Return to Motion to Reinstate Appeal to pro se appellant by mailing a copy via USPS FIRST CLASS MAIL at his known address.

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