

APPENDIX A

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3. Order of the District Court
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UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 23-6895

ANDRE TAYSON BOONE,

Petitioner - Appellant,

v.

BRYAN STIRLING,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Joseph F. Anderson, Jr., Senior District Judge. (1:22-cv-04551-JFA)

Submitted: January 30, 2024

Decided: February 6, 2024

Before KING, AGEE, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Andre Tayson Boone, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andre Boone seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on Boone's 28 U.S.C. § 2254 petition. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In civil cases, parties have 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). “[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

The district court entered its order on July 31, 2023. Boone filed the notice of appeal on August 31, 2023.* Because Boone failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Boone could have delivered the notice to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).

FILED: February 6, 2024

UNITED STATES COURT OF APPEALS
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No. 23-6895
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v.

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JUDGMENT

In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

FILED: February 28, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6895
(1:22-cv-04551-JFA)

ANDRE TAYSON BOONE

Petitioner - Appellant

v.

BRYAN STIRLING

Respondent - Appellee

M A N D A T E

The judgment of this court, entered February 6, 2024, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Nwamaka Anowi, Clerk

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Andre Tayson Boone,

C/A No. 1:22-4551-JFA-SVH

Petitioner,

vs.

Bryan Stirling,

ORDER

Respondent.

Petitioner Andre Tayson Boone (“Petitioner”) is an inmate at Broad River Correctional Institution in South Carolina who filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings. Specifically, the Magistrate Judge conducted an initial review of Respondent, Bryan Stirling’s (“Respondent) Motion for Summary Judgment (ECF No. 12), Petitioner’s Response in Opposition (ECF No. 15), and Respondent’s Reply. (ECF No. 16).

After reviewing the parties’ briefs, the Magistrate Judge assigned to this action prepared a thorough Report and Recommendation (“Report”), which opines that Respondent’s Motion for Summary Judgment should be granted and Petitioner’s denied. (ECF No. 17). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Petitioner filed objections on May 3, 2023. (ECF No. 52). Thus, this matter is ripe for review.

I. **LEGAL STANDARD**

a. **Standard of Review**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Thus, the Court must only review those portions of the Report to which Petitioner has made a specific written objection. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

“An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” *Dunlap v. TM Trucking of the Carolinas, LLC*, No. 0:15-cv-04009-JMC, 2017 WL 6345402, at *5 n.6 (D.S.C. Dec. 12, 2017) (citing *One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996)). A specific objection to the Magistrate Judge's Report thus requires more than a reassertion of arguments from the complaint or a mere citation to legal authorities. *See Workman v. Perry*, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017). A specific objection must “direct the court to a specific error

in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

"Generally stated, nonspecific objections have the same effect as would a failure to object." *Staley v. Norton*, No. 9:07-0288-PMD, 2007 WL 821181, at *1 (D.S.C. Mar. 2, 2007) (citing *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991)). The Court reviews portions "not objected to—including those portions to which only 'general and conclusory' objections have been made—for *clear error*." *Id.* (citing *Diamond*, 416 F.3d at 315; *Camby*, 718 F.2d at 200; *Orpiano*, 687 F.2d at 47) (emphasis added).

b. § 2254 Petition

The scope of a federal court's review of a habeas petition under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") is "highly constrained." *Lawrence v. Branker*, 517 F.3d 700, 707 (4th Cir. 2008). The Court cannot grant a § 2254 petition "with respect to any claim adjudicated on the merits in state court" unless the state court decision was "either contrary to, or an unreasonable application of, clearly established federal law as determined by the [United States] Supreme Court," *id.* (citing 28 U.S.C. § 2254(d)(1)), or if the decision "was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." *Richey v. Cartledge*, 653 F. App'x 178, 184 (4th Cir. 2016) (per curiam) (citing 28 U.S.C. § 2254(d)(2)). The Court "must presume state court findings of fact to be correct unless the petitioner rebuts that presumption by clear and convincing evidence." *Id.* (citing 28 U.S.C. § 2254(e)(1)).

Additionally, the legal standard employed in a motion for summary judgment is well-settled and correctly stated within the Report. Accordingly, that standard is incorporated herein without a recitation.

II. DISCUSSION

As stated above, the relevant facts and standards of law on this matter are incorporated from the Report (ECF No. 17), however, this Court will provide a summary for context. In April of 2007, a Richland County Grand Jury indicted Petitioner for the murder of Brian Wright following a shootout that occurred late at night on February 18, 2007, at a Waffle House in Richland County, South Carolina. (ECF No. 11-8 at 1877-78). The jury returned a verdict of guilty against Petitioner and a co-defendant and the trial Judge sentenced each of them to forty-five years of imprisonment. (ECF No. 11-7 at 1643, 1624).

After his conviction, Petitioner timely filed an appeal, and on April 17, 2013, the Court of Appeals affirmed his conviction. The grounds for Petitioner's appeal are fully stated in the Report and incorporated herein. Additionally, on November 1, 2013, Petitioner also filed an application for post-conviction relief ("PCR"). (ECF No. 11-7 at 1692). By Order dated May 7, 2019, the application was denied and dismissed. (ECF No. 11-8 at 1806-73). The grounds for his application and the PCR Court's ruling are also fully stated in the Report and incorporated herein.

Thereafter, Petitioner's PCR counsel timely served and filed a notice of PCR appeal. Then, on December 9, 2019, Petitioner's appointed counsel, Adam Ruffin ("Ruffin") filed a Petition for Writ of Certiorari in the Supreme Court of South Carolina. (ECF No. 11-13).

Ultimately, the case was transferred to the Court of Appeals for disposition, and it was denied on August 16, 2022. (ECF No. 11-16).

Now, Petitioner comes before this Court pursuant to § 2254 and asserts the following grounds for relief:

Ground one: The Courts erred when it didn't find prejudice in the issue where assistant counsel failed to object to a photo that was shown to two state witnesses and jury after it was already ruled prejudicial and inadmissible under Rule 403...

Ground Two: The Courts erred when it did not find assistant counsel rendered ineffective for failing to properly object to the jury charge on mutual combat and preserve the issue for direct appeal...

Ground Three: The Courts erred for not ruling on the issue of whether my assistant trial counsel was ineffective for not objecting and moving forward with a motion of mistrial when the trial judge failed to both impartial and disinterested.

(ECF No. 1-1 at 1, 5, 7).

The Report finds each ground for relief to be procedurally defaulted or barred, and as such, the Report recommends this Court deny the Petition and grant Respondent's Motion for Summary Judgment. Petitioner has lodged an objection to each of the Report's conclusions which will be addressed in turn below.

Ground One

In Ground one of the Petition, Petitioner argues his trial counsel did not object sufficiently to the showing of an inadmissible photograph to witnesses at trial. The Report states this issue was presented at the PCR hearing and the PCR judge denied relief on the merits. Following the hearing, Petitioner's appellate counsel failed to raise this issue in the

would allow this claim to overcome its status as procedurally defaulted such that this Court could consider it.

Additionally, the Report also addresses Petitioner's argument that the PCR Court erred by finding there was no resulting prejudice from a witness being shown an inadmissible photograph. Originally asserted in the Petition, Petitioner re-raises this exact argument in his objections. The Report finds that Petitioner's argument focuses solely on whether the jury could have seen the photograph without specifically addressing the PCR Court's holding regarding a lack of prejudice. The same is true for his objections. Petitioner hammers the possibility that the jury saw this photograph and were tainted by its prejudicial value. He argues the PCR Court got it wrong when it stated numerous times that the trial had knowledge that the prejudicial photo was shown two witnesses and twice to the jury when it denied his trial counsel's motion for a mistrial. In reality, the state court records show that the trial judge was never made aware that the prejudicial photo was shown twice to the jury when he made his decision to deny the motion for a mistrial.

Petitioner's attempted distinction between the PCR Court's alleged statement of facts regarding this issue at trial and the actual events according to the state records does not demonstrate cause for the failure to raise this claim in the PCR appeal. And, as this Court and the Report have already stated, an error made by his PCR appellate Counsel is also insufficient to demonstrate cause. However, even if this Court assumes Petitioner has established sufficient cause, Petitioner has failed to demonstrate he suffered any actual prejudice from the failure of this PCR appellate counsel to raise this issue in the PCR appeal. Actual prejudice results by showing that this issue, if raised on appeal, would have

(ECF No. 11-7 at 1646, 1649). The Court of Appeals affirmed Petitioner's conviction by citing a number of authorities including *State v. Freiburger*, 366 S.C. 125, 134, 620 S.E.2d 737, 741 (2005) (holding an issue is not preserved for appeal where one ground is raised below, and another ground is raised on appeal). This issue was also raised and ruled upon by the PCR judge, but it was not raised in the PCR appeal. The Report finds Petitioner's second ground for relief to be defaulted for the same reasons stated above.

Petitioner objects that the Report's conclusion as to his second ground for relief is in error and he cites to *State v. Bowers* for support. *State v. Bowers*, 436 S.C. 640, 875 S.E.2d 608 (2022). Petitioner argues *State v. Bowers* is identical to his case and in *Bowers*, the Supreme Court of South Carolina citing *State v. Hendricks* ruled "failure to raise specific grounds for an objection will not prevent the appellate court from addressing an issue when the record indicates the trial court, and the state understood the basis for the objection" (ECF No. 22 at 7). "Petitioner argues that under the ruling set forth in *Bowers* that this issue wasn't procedurally barred on direct appeal and should have been properly addressed." *Id.* at 8.

But *Bowers* does not cite to *State v. Hendricks* and it does not stand for Petitioner's asserted proposition. Following a jury trial, Bowers was convicted of voluntary manslaughter, assault, and battery of a high and aggravated nature ("ABHAN") and possession of a firearm during a commission of a violent crime. Petitioner most likely believes Bowers is "identical" to his case because it also involved a shoot-out after which victims died as a result. On the State's petition of certiorari, the Supreme Court in *Bowers* addressed the narrow issue of whether the trial court's erroneous jury charge on mutual

the objection by citing to hearsay exceptions. *Id.* Thus, the Court of Appeals held it was clear from the record that both the State and the trial court immediately understood that Hendricks' unspecific objection was based on hearsay. *Id.*

Here, Petitioner makes a fair argument that his trial counsel's nonspecific objection to the mutual combat instruction should have been considered preserved for review because his counsel joined in on the specific objection made by his co-defendant. Based on context, the record demonstrates he joined in on the co-defendant's objection with the intention that it would serve as an objection on behalf of Petitioner too. This Court agrees *Hendricks* supports this point and it is persuasive. But, it does not fix the procedural default or the lack of prejudice.

First, *Hendricks* only stands for the proposition that a nonspecific objection can, under certain circumstances, be preserved for appellate review when it is apparent from the context that the other parties understood the basis for such objection. *Hendricks* does not assist Petitioner with the issue of default which arose when he failed to raise this issue in his PCR appeal.

Second, assuming this Court finds Petitioner has demonstrated sufficient cause to overcome the default, Petitioner cannot satisfy the second hurdle of demonstrating he suffered any prejudice. As the PCR Court explained, even if Petitioner's counsel would have lodged his own independent specific objection on the same grounds asserted in the direct appeal, the trial court would have overruled it because the evidence supported an instruction on mutual combat. Further, Petitioner has also not demonstrated, through his

objections or otherwise, that he has met the exacting standard of showing a miscarriage of justice.

Thus, this Court overrules Petitioner's objection to the Report's conclusion on his second ground for relief and adopts the report in full. Accordingly, the Respondent's Motion for Summary Judgment is granted as to Petitioner's second ground for relief.

Ground Three

In the third ground for relief, Petition seeks to raise a claim of ineffective assistance of counsel regarding trial counsel's failure to challenge the trial judge as biased in favor of the prosecution. As evidence to support his claim, Petitioner cites to his trial counsel's testimony at his PRC hearing during which she stated she did not file a motion for a mistrial because she felt that the trial judge was biased to the prosecution, and it would be denied.

The Report frames the analysis as this: “[i]n accordance with Martinez, to overcome the procedural default of his grounds for relief, Petitioner must establish that PCR counsel was deficient for failing to present this ground and Petitioner was prejudiced as a result. [Then], Petitioner must also show that the ineffective-assistance-of-trial-counsel claim itself is a substantial one by showing it has merit.” (ECF No. 17 at 29-30).

The Report finds this claim is procedurally defaulted because it was not raised in the direct appeal or in the PCR application. Even assuming Petitioner can demonstrate cause to excuse the procedural default, the Report concludes that Petitioner's claim of ineffective assistance of counsel is not a substantial one. The decision to not request a mistrial is a tactical one left to the sound discretion of counsel. *See United States v. Chapman*, 593 F.3d 365, 368-69 (4th Cir. 2010).

Petitioner objects to the Report's conclusion arguing the default of this claim was the result of the ineffectiveness of his PCR counsel, and as such, it should be excused. However, as stated previously in this Order and in the Report, errors by PCR counsel are insufficient to establish cause to excuse procedural default in a petition pursuant to § 2254.

However, even assuming Petitioner's objection was sustained on this point and this Court found Petitioner established sufficient cause because his PCR counsel failed to amend the PCR application to add this ground for relief concerning the trial judge's bias, this Court finds, like the Report did, that the underlying claim of ineffective assistance of counsel to be unsubstantial.

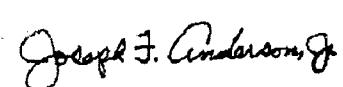
Petitioner makes a fair argument in his Objections that his counsel's failure to move for a mistrial because she was "intimidated" by the trial judge cannot be considered a strategic trial tactic. He argues his trial counsel's fear of the trial judge should not have affected her ability to properly defend Petitioner. The issue with Petitioner's argument is that Petitioner cannot demonstrate that his trial counsel's motion for mistrial would have been successful. Thus, even if this Court assumes Petitioner has overcome the procedural default and has demonstrated his trial counsel was ineffective by failing to move for a mistrial, Petitioner still fails unless he can also demonstrate a reasonable probability that this motion would have been granted but for his trial counsel's failure. *See Strickland v. Washington*, 466 U.S. 668, 694 (1984). "The grant of a motion for a mistrial is an extreme measure which should be taken only where an incident is so grievous that the prejudicial effect can be removed in no other way." *State v. Herring*, 692 S.E.2d 490, 498 (S.C. 2009).

Petitioner's trial counsel's testimony during the PCR hearing reveals the motion for a mistrial would have been on the grounds that the judge was biased to the prosecution. Petitioner's trial counsel would have had to argue that the trial judge was "acting like a prosecutor" by suggesting the state "go forward" on "proximate cause, the gun battle." (ECF No. 8 at 1800-01). But, the authority cited by the Report demonstrates that this suggestion was not improper or evidence of bias. *See Burdett v. Miller*, 957 F.2d 1375, 1380 (7th Cir. 1992) ("[Judges] should not be criticized when they point out to counsel a line of argument or inquiry that he has overlooked, although they are not obligated to do so When the unfolding evidence persuaded the district judge that the plaintiff's counsel had misidentified the RICO enterprise, she could without impropriety have invited him to shift the line of his attack") (internal citations omitted)); *Brooks v. Graham*, No. 06 CIV. 5418 (BMC), 2007 WL 2344871, at *5 (E.D.N.Y. Aug. 16, 2007) ("The trial judge . . . identified the risk of inconsistent theories to the prosecutor early in the case and took immediate steps to eliminate the potential. During testimony on the first day of trial, he very patiently explained to the prosecutor"). Additionally, "the threshold for a showing of bias is high" such that the judge's conduct must "reveal a high degree of favoritism or antagonism as to make fair judgment impossible." *United States v. Carson*, 455 F.3d 336, 355 (D.C. Cir. 2006). Petitioner has not met this threshold in this case.

Thus, this Court overrules Petitioner's objection to the Report's conclusion on his third ground for relief and adopts the report in full. Accordingly, the Respondent's Motion for Summary Judgment is granted as to Petitioner's second ground for relief.

IT IS SO ORDERED.

July 31, 2023
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

that reasonable jurists would find both that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In the instant matter, the court finds that Petitioner has failed to make “a substantial showing of the denial of a constitutional right.”

The South Carolina Court of Appeals

Andre T. Boone, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-000943

ORDER

This matter is before the court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief. Based on the vote of the panel, the petition for a writ of certiorari is denied.

FOR THE COURT

BY Jessa Kitchens
CLERK

Columbia, South Carolina

cc:

Adam Sinclair Ruffin, Esquire
Alan McCrory Wilson, Esquire
D Russell Barlow, II, Esquire

FILED
Aug 16 2022

Appendix B

Table of Content

- 1) Dispositions from Staff at B.R.S.T
- 2) Debit Form without Petitioner Signature

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name: <i>Andre T. Boone</i>	SCDC #: <i>328364</i>	Housing Unit: <i>SA - 128</i>	Date: <i>9-5-23</i>
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GENERAL MATERIAL

**** Inmate must have the funds in his/her account to pay for the materials.**

To be completed by
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage	(1)	
Tape		
Box		
Electronic Repair		
Other		

US Court
 of Appeal
 901 Richardson
 Columbia
 SC 29201

1.83

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Other		

PHOTOCOPIES

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by
SCDC staff:

Item	Amount	Cost
Photocopies		183

Inmate's Signature

C. E. Clegg
C. E. Clegg
Signature (Request)

~~Mailroom/Canteen Signature (Request filled by)~~

Date _____

White - Inmate
Canary - Mailroom/Canteen Employee

SCDC Form 10-14 (November 1998)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME:	STAFF TITLE:	DATE:
Sgt. Beach	Sgt.	4-29-2024
INMATE NAME:	SCDC #:	
Andre T. Boone	328364	
INSTITUTION:	DORM/SIDE/BED:	HOUSING TYPE: <input type="checkbox"/> RHU <input type="checkbox"/> R&E <input type="checkbox"/> INFIRMARY <input type="checkbox"/> SSR <input type="checkbox"/> DEATH ROW <input type="checkbox"/> ASSISTED LIVING UNIT (ALU) <input type="checkbox"/> N/A
BRSF	Opalina 128	
REASON FOR PAPER REQUEST: <input type="checkbox"/> PREA <input type="checkbox"/> MEDICAL <input type="checkbox"/> MENTAL HEALTH <input type="checkbox"/> DENTAL <input type="checkbox"/> MEDICAL COPAY <input type="checkbox"/> MEDICAL RECORDS <input type="checkbox"/> KIOSK INACCESSIBLE (EXPLAIN): _____		
YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.		
<p>Do the mailroom personnel /notary come to Broad River Secure Facility everyday through the week?</p>		
<hr/> <p>DISPOSITION BY STAFF MEMBER:</p> <p>The mailroom personnel are suppose to come to BRSF everyday. However they do not come everyday if there are staff shortages or other excruciating circumstances. See</p>		
4-29-24	 STAFF SIGNATURE:	

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME: <i>Peterson</i>	STAFF TITLE: <i>Sgt.</i>	DATE: <i>4/26/24</i>
INMATE NAME: <i>Andre T. Boone</i>		SCDC #: <i>328364</i>
INSTITUTION: <i>BRST</i>	DORM/SIDE/BED: <i>Saluda 128</i>	HOUSING TYPE: <input type="checkbox"/> RHU <input type="checkbox"/> R&E <input type="checkbox"/> INFIRMARY <input type="checkbox"/> SSR <input type="checkbox"/> DEATH ROW <input type="checkbox"/> ASSISTED LIVING UNIT (ALU) <input type="checkbox"/> N/A

REASON FOR PAPER REQUEST: PREA MEDICAL MENTAL HEALTH DENTAL
 MEDICAL COPAY MEDICAL RECORDS KIOSK INACCESSIBLE (EXPLAIN): _____

YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.

*Do the mailroom personal/notary come to
Broad River Secure Facility everyday?*

DISPOSITION BY STAFF MEMBER:

Not Every Day

DATE: <i>9/26/24</i>	STAFF SIGNATURE: <i>M. Peterson</i>
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FILED: October 17, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6895
(1:22-cv-04551-JFA)

ANDRE TAYSON BOONE

Petitioner - Appellant

v.

BRYAN STIRLING

Respondent - Appellee

O R D E R

The court grants leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk