

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Ricardo Fishbourne, a/k/a Ricardo Fishburne,

Plaintiff,

v.

Alex Murdaugh; 14th Circuit Solicitors Office;
Isaac McDuffie Stone, III; State of S.C.; David
Matthews; Donald W. Beatty; John W.
Kittredge; Kaye G. Hearn; John Few Cannon;
George C. James; S.C. Supreme Court,

Defendants.

Case No. 3:24-cv-4472-JFA

ORDER

This matter is before the court on Defendants' Motions to Dismiss. (ECF Nos. 5, 8, 32). 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 initial review. Upon reviewing the motions and all responsive briefing, the Magistrate Judge assigned to this action prepared a thorough Report and Recommendation ("Report"), suggesting that this court grant Defendants' Motions to Dismiss (ECF Nos. 5, 8, 32), and dismiss the case with prejudice. (ECF No. 44 at 36). For the reasons set forth below, the court adopts the Report, overrules Plaintiff's objections, and dismisses this matter with prejudice.

I. RELEVANT BACKGROUND

Plaintiff Ricardo Fishbourne is an inmate in the custody of the South Carolina Department of Corrections. He brings this action *pro se* alleging deprivation of his civil rights in violation of 42 U.S.C. § 1983, and gross negligence under the South Carolina Torts Claims Act ("SCTCA"), S.C. Code Ann. § 15-78-10, *et seq.* (ECF No. 1-1). Plaintiff seeks declaratory and injunctive relief, as well as compensatory and punitive damages. (ECF No. 1-1 at 16). Plaintiff brings claims against

Alex Murdaugh, the 14th Circuit Solicitor's Office, and Isaac McDuffie Stone, III, (the "Solicitor Defendants"); Chief Justice Donald W. Beatty, Justice John W. Kittredge, Justice Kaye G. Hearn, Justice John Cannon Few, Justice George C. James, and the South Carolina Supreme Court (the "Judicial Defendants"); the State of South Carolina (the "State"); and David Matthews ("Matthews"). Although not named in the caption, Plaintiff also wages claims against Governor Henry McMaster and Lieutenant Governor Pamela Evette (the "Governor Defendants")¹. All defendants have filed motions to dismiss. (ECF No. 5 (Solicitor Defendants and Defendant Matthews); ECF No. 8 (Judicial Defendants and the State); ECF No. 32 (Governor Defendants)).

The crux of Plaintiff's argument is that Defendants are preventing him from pursuing appeals and collateral attacks on his conviction and sentence, thereby violating his civil rights. As brief background, Plaintiff was convicted of two counts of assault and battery with intent to kill and one count of burglary first degree in Colleton County, South Carolina in 2001. Since his convictions, Plaintiff filed numerous post-conviction relief ("PCR") requests, two habeas petitions in federal court, a habeas petition in state court, and suits against the 14th Circuit Solicitor's Office and the Colleton County Sheriff's Office. At each instance, Plaintiff's claims were summarily dismissed. On June 15, 2021, the Supreme Court issued an order dismissing Plaintiff's appeal of the denial of his fifth PCR application. In the order, the Supreme Court specifically enjoined Plaintiff from filing any further collateral actions without first obtaining permission from the Court. (ECF No. 1-1 at 60). Plaintiff challenges the Court's authority to issue such an injunction.

The Magistrate Judge issued its Report on October 18, 2024, recommending dismissal of Plaintiff's claims. (ECF No. 44). Plaintiff filed objections to the Report on November 1, 2024,

¹ The parties dispute whether the Governor Defendants have been properly named as defendants and served. Because the court dismisses these defendants on other grounds, the court makes no finding on this issue.

(ECF No. 48), and supplemental documents four days later, (ECF No. 50). Plaintiff also submitted a document to “clarify” his objections to the Report (ECF No. 55) and a “motion for abuse of discretion and request for perjury to be enforced” in which he further challenges the Report’s findings² (ECF No. 57).³ The Solicitor Defendants filed a Response to Plaintiff’s objections. (ECF No. 53). No other defendants submitted responses to Plaintiff’s objections and none of the defendants filed objections to the Report. This matter is now ripe for the court’s review.

II. 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 district 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, 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). The court may accept, reject, or modify the report or recommit the matter to the magistrate judge. 28 U.S.C. § 636(b).

An objection must be specific and 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). “An objection is specific if it ‘enables the district judge to focus attention on those

² This filing was submitted over two months after the deadline to object to the Report. The portion of the document challenging the Report, however, repeats arguments and objections asserted in other filings addressed herein. The remaining argument regarding perjury is dismissed as moot as discussed below.

³ Since the Report was issued, Plaintiff has also filed a Motion for Default Judgment (ECF No. 51), a “Request for Entry of Default” (ECF No. 56), and a Motion for Order to Show Cause (ECF No. 60). The court has reviewed these filings and determined they are not relevant to this Order.

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).

“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. Sec’y of Health & Human Servs.*, 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 v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005); *Camby*, 718 F.2d at 200; *Orpiano*, 687 F.2d at 47).

The legal standard employed in a motion to dismiss is well-settled and correctly stated within the Report. Because Plaintiff is representing himself, each of these standards must be applied while liberally construing his filings in this case. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

III. DISCUSSION

As an initial matter, there appear to be several conclusions within the Report to which Plaintiff has not objected. For their part, Defendants lodge no objections to the Report and only the Solicitor Defendants responded to Plaintiff’s objections. Accordingly, the court will conduct a *de novo* review of only the specific portions of the Report to which Plaintiff has objected. The remainder of the Report will be reviewed for clear error. After a review of the entire record and the Report, the court finds that the Magistrate Judge fairly and accurately summarized the facts

and applied the correct principles of law. Accordingly, the Magistrate Judge's Report is adopted as set forth below and incorporated into this Order.

A. Individual Judicial Defendants

Plaintiff's objections primarily challenge the Magistrate Judge's findings and recommendations regarding the Judicial Defendants. Initially, Plaintiff objects to the Magistrate Judge's finding that the individual Judicial Defendants are entitled to judicial immunity. This objection is without merit. The doctrine of absolute immunity for acts taken by a judge in connection with his or her judicial authority and responsibility is well-established and widely-recognized. *See Mireles v. Waco*, 502 U.S. 9, 11–12 (1991) (judges are immune from suit for actions taken in their judicial capacity, unless “taken in the complete absence of all jurisdiction”); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (absolute immunity “is an immunity from suit rather than a mere defense to liability”); *Stump v. Sparkman*, 435 U.S. 349, 359 (1978) (“A judge is absolutely immune from liability for his judicial acts even if his exercise of authority is flawed by the commission of grave procedural errors”).

Plaintiff's claims against Judicial Defendants clearly arise from judicial actions. Plaintiff attempts to strip the Judicial Defendants of judicial immunity, however, by asserting that they acted in the absence of all jurisdiction. (ECF No. 48 at 3). Not so. The Supreme Court issued the June 15, 2021 order in accordance with Rule 269, SCACR, which was enacted pursuant to the Court's authority under Article V, § 4 of the South Carolina Constitution. S.C. Const. art. V, § 4 (“The Supreme Court shall make rules governing the administration of all the courts of the State.”); Rule 269, SCACR (“Where an appeal, petition, motion or return is frivolous or taken solely for the purpose of delay,” the Court may impose “sanctions as the circumstances of the case and discouragement of like conduct in the future may require.”). Therefore, Plaintiff's argument that

the Judicial Defendants acted without jurisdiction fails, and the Judicial Defendants are entitled to judicial immunity.

B. State Entity Defendants

Plaintiff also objects to the finding that the State and the Supreme Court are protected from suit by the Eleventh Amendment, which prohibits federal courts from entertaining an action against a state or state entities, unless the state has consented to the suit. *See, e.g., Fauconier v. Clarke*, 966 F.3d 265, 279 (4th Cir. 2020). Plaintiff states that he “claimed the *Ex parte Young* doctrine to enjoin the S.C. Supreme Court and its judges from violation and depriving Plaintiff’s right to petition for redress.” (ECF No. 48 at 9).

Under *Ex parte Young*, 209 U.S. 123 (1908), “suits that would otherwise be barred by a State’s sovereign immunity may proceed when a plaintiff seeks forward-looking relief to halt an ongoing violation of federal law.” *King v. Youngkin*, 122 F.4th 539, 542 (4th Cir. 2024). This exception, often referred to as “a fiction,” is based on the notion that a state official who acts in violation of the Constitution is “stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct.” *Ex parte Young*, 209 U.S. at 160. This exception applies only to state officials, not to the state or its agencies. *See Biggs v. N.C. Dep’t of Public Safety*, 953 F.3d 236, 242 (4th Cir. 2020) (“Allowing suits against state agencies is inconsistent with the rationale underlying *Ex Parte Young*, which is that suits against state officials who violate federal law are not suits against the state.”). Accordingly, this doctrine does not strip the State or the Supreme Court of Eleventh Amendment immunity.

The Magistrate Judge also concluded that the South Carolina Supreme Court and the State of South Carolina are not subject to suit under SCTCA. (ECF No. 44 at 22–23). Plaintiff objects to this finding, arguing that the State is a governmental entity pursuant to S.C. Code Ann. § 15-

78-30(d) and that Defendants consented to suit in federal court by answering the pleadings. (ECF No. 48 at 7). Section 15-78-30(d) merely defines “Governmental entity” as “the State and its political subdivisions.” Although the SCTCA waives the State’s sovereign immunity in state court for certain tort claims, it specifically reserves South Carolina’s Eleventh Amendment immunity from suit in federal court. S.C. Code Ann. § 15-78-20(e) (“Nothing in this chapter is construed as a waiver of the state’s or political subdivision’s immunity from suit in federal court under the Eleventh Amendment to the Constitution of the United States[.]”). Moreover, the State and the Supreme Court did not consent to removal of this action; they had not even appeared when the case was removed by the Solicitor Defendants and Defendant Matthews. Instead, the State and Supreme Court Defendants have answered by expressly invoking Eleventh Amendment immunity. Plaintiff’s objections to this portion of the Report are therefore overruled.

Plaintiff’s objection to the Magistrate Judge’s determination that the State and the Supreme Court are not “persons” subject to suit under 42 U.S.C. § 1983 is also overruled. (ECF No. 44 at 23–24). Under 42 U.S.C. § 1983, Plaintiff must allege the violation of a right secured by the Constitution and must also allege “that the alleged deprivation was committed by *a person* acting under color of state law.” *West v. Atkins*, 487 U.S. 42, 48, (1988) (emphasis added). The United States Supreme Court has held that “neither a State nor its officials acting in their official capacities are ‘persons’ under § 1983.” *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989). Therefore, Plaintiff’s claims against the State and the Supreme Court are improper and subject to dismissal.

C. Governor Defendants

Plaintiff does not lodge any objections to the portions of the Report regarding the Governor Defendants, except to “clarify” in a later filing that he is suing the Governor Defendants for *injunctive* relief in their official capacities “[b]ecause they have absolute immunity in their

personal capacities.” (ECF No. 55 at 1). Liberally construing this contention, Plaintiff appears to challenge the Magistrate Judge’s finding regarding Eleventh Amendment immunity based on the *Ex parte Young* doctrine. However, *Ex parte Young* does not apply to the Governor Defendants.

As explained above, the *Ex parte Young* doctrine permits “federal courts to vindicate the supremacy of federal law by ordering state officials to stop participating in ongoing violations of that law.” *King*, 122 F.4th at 548. The ongoing violation Plaintiff alleges is the deprivation of Plaintiff’s right to petition the court for redress. Specifically, Plaintiff seeks relief in the form of an injunction “stating [the] S.C. Supreme Court does not have jurisdiction in general session court” and “an injunction to enjoin the S.C. Supreme Court Judges from depriving Plaintiff[s] 1st Amend[ment] Right to Petition the court for redress and enjoining defendants from the depravation of Equal Protection of Laws.” (ECF No. 48-2 at 2–3).

For a state officer to be sued under the *Ex parte Young* doctrine, however, “[g]eneral authority to enforce the laws of the state is not sufficient.” *Waste Mgmt. Holdings, Inc. v. Gilmore*, 252 F.3d 316, 331 (4th Cir. 2001) (citation omitted). Instead, a court “must find a ‘special relation’ between the officer being sued and the challenged” government action. *McBurney v. Cuccinelli*, 616 F.3d 393, 399 (4th Cir. 2010) (citing *Ex parte Young*, 209 U.S. at 157). Such a relationship does not exist in this case. As the Magistrate Judge correctly stated, the Governor Defendants’ general duty to enforce the laws of South Carolina by virtue of their positions as the top officials in the State’s executive branch does not constitute a specific duty to enforce the challenged conduct. (ECF No. 44 at 17). Accordingly, the court agrees with the Magistrate Judge’s finding that the Governor Defendants are not proper defendants for injunctive relief and overrules Plaintiff’s objection.

D. Solicitor Defendants and Defendant Matthews

Plaintiff makes no mention of the Magistrate Judge's recommendations as to the Solicitor Defendants or Defendant Matthews. In fact, Plaintiff appears to agree to the dismissal of these defendants. (See ECF Nos. 48 at 8–9, 50 at 8–9 (“Plaintiff objects to the 14th and 1st Amendment violations claims being denied. All other claims are waived except the obstruction of justice, 42 USC 1986 against the SC Supreme Court judges along with equal protection 1st Amendment, and 14th Amendment violations. The remaining claims may be dismissed except the *Ex-Parte Young* claim.”)). The court finds no clear error on the face of the record and accordingly dismisses these defendants.

E. Remaining Objections

Plaintiff also objects to the Report's findings that his claims are without merit, that this court's review would be improper under the *Rooker-Feldman* doctrine and *Younger v. Harris*, 401 U.S. 37 (1971), and that his claims are barred by res judicata, collateral estoppel, and *Heck v. Humphrey*, 512 U.S. 477 (1994). Based on the findings above, however, the court need not reach these issues and declines to do so.

Finally, the court notes that Plaintiff's other objections are either irrelevant, non-specific, improperly before the court, or speculative. Plaintiff's remaining objections are therefore overruled. The court finds no clear error on the face of the record and accordingly accepts the Report as stated above.

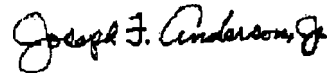
IV. CONCLUSION

After a thorough review of the Report, the applicable law, and the record of this case, the court finds no clear error in the Report. After a *de novo* review of each part of the Report to which Plaintiff specifically objected, the court hereby adopts the Report and Recommendation as stated

herein. (ECF No. 44). For the reasons discussed above, Defendants' Motions to Dismiss (ECF Nos. 5, 8, & 32) are granted, all other pending motions (ECF Nos. 51, 57, & 60) are dismissed as moot, and this case is dismissed with prejudice.

IT IS SO ORDERED.

February 11, 2025
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

Appendix A

APPEAL TRANSMITTAL SHEET (non-death penalty)

Transmittal to 4CCA of notice of appeal filed: <u>02/24/25</u> <input checked="" type="checkbox"/> First NOA in Case <input type="checkbox"/> Subsequent NOA-same party <input type="checkbox"/> Subsequent NOA-new party <input type="checkbox"/> Subsequent NOA-cross appeal <input type="checkbox"/> Paper ROA <input type="checkbox"/> Paper Supp. Vols: _____ Other: _____		District: South Carolina Division: Columbia Caption: Ricardo Fishbourne v Alex Murdaugh, et al.,	District Case No.: 3:24-cv-04472-JFA 4CCA No(s). for any prior NOA: 4CCA Case Manager:
Exceptional Circumstances: <input type="checkbox"/> Bail <input type="checkbox"/> Interlocutory <input type="checkbox"/> Recalcitrant Witness <input type="checkbox"/> Other _____			
Confinement-Criminal Case: <input type="checkbox"/> Death row-use DP Transmittal <input type="checkbox"/> Recalcitrant witness <input type="checkbox"/> In custody <input type="checkbox"/> On bond <input type="checkbox"/> On probation Defendant Address-Criminal Case:		Fee Status: <input type="checkbox"/> No fee required (USA appeal) <input type="checkbox"/> Appeal fees paid in full <input checked="" type="checkbox"/> Fee not paid Criminal Cases: <input type="checkbox"/> District court granted & did not revoke CJA status (continues on appeal) <input type="checkbox"/> District court granted CJA & later revoked status (must pay fee or apply to 4CCA) <input type="checkbox"/> District court never granted CJA status (must pay fee or apply to 4CCA) Civil, Habeas & 2255 Cases: <input type="checkbox"/> Court granted & did not revoke IFP status (continues on appeal) <input type="checkbox"/> Court granted IFP & later revoked status (must pay fee or apply to 4CCA) <input checked="" type="checkbox"/> Court never granted IFP status (must pay fee or apply to 4CCA)	
District Judge: Joseph F Anderson, Jr		PLRA Cases: <input type="checkbox"/> Proceeded PLRA in district court, no 3-strike determination (must apply to 4CCA) <input type="checkbox"/> Proceeded PLRA in district court, determined to be 3-striker (must apply to 4CCA)	
Court Reporter (list all): 		Sealed Status (check all that apply): <input type="checkbox"/> Portions of record under seal <input type="checkbox"/> Entire record under seal <input type="checkbox"/> Party names under seal <input type="checkbox"/> Docket under seal	
Coordinator:			
Record Status for Pro Se Appeals (check any applicable): <input type="checkbox"/> Assembled electronic record transmitted <input type="checkbox"/> Additional sealed record emailed to 4cca-filing <input type="checkbox"/> Paper record or supplement shipped to 4CCA <input checked="" type="checkbox"/> No in-court hearings held <input type="checkbox"/> In-court hearings held – all transcript on file <input type="checkbox"/> In-court hearings held – all transcript not on file <input type="checkbox"/> Other:		Record Status for Counseled Appeals (check any applicable): <input type="checkbox"/> Assembled electronic record available if requested <input type="checkbox"/> Additional sealed record available if requested <input type="checkbox"/> Paper record or supplement available if requested <input type="checkbox"/> No in-court hearings held <input type="checkbox"/> In-court hearings held – all transcript on file <input type="checkbox"/> In-court hearings held – all transcript not on file <input type="checkbox"/> Other:	

Deputy Clerk: [REDACTED] Phone: [REDACTED] Date: 02/24/25

Appeal Documents

3:24-cv-04472-JFA Fishbourne v.
Murdaugh et al **CASE CLOSED on**
02/12/2025

APPEAL,CLOSED,GREENVILLE,JURY,LC
2,WSB-Inmate

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 2/24/2025 at 1:05 PM EST and filed on 2/24/2025

Case Name: Fishbourne v. Murdaugh et al

Case Number: 3:24-cv-04472-JFA

Filer:

WARNING: CASE CLOSED on 02/12/2025

Document Number: 67

Docket Text:

Transmittal Sheet for Notice of Appeal to USCA re [66] Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (rweb,)

3:24-cv-04472-JFA Notice has been electronically mailed to:

David A Anderson danderson@richardsonplowden.com, chowes@richardsonplowden.com,
clindler@richardsonplowden.com

Otto Edworth Liipfert, III worth@griffithfreeman.com, klopez@griffithfreeman.com

Hunter Weston Adams hadams@richardsonplowden.com, chowes@richardsonplowden.com,
clindler@richardsonplowden.com

3:24-cv-04472-JFA Notice will not be electronically mailed to:

Ricardo Fishbourne
279661
LCI
MA #207
PO Box 205
Ridgeville, SC 29472

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

Orders on Motions

3:24-cv-04472-JFA Fishbourne v.
Murdaugh et al **CASE CLOSED on**
02/12/2025

Appendix -B 59e order

APPEAL, CLOSED, GREENVILLE, JURY, LC
2, WSB-Inmate

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 4/8/2025 at 10:17 AM EDT and filed on 4/8/2025

Case Name: Fishbourne v. Murdaugh et al

Case Number: 3:24-cv-04472-JFA

Filer:

WARNING: CASE CLOSED on 02/12/2025

Document Number: 78

Docket Text:

ORDER. Plaintiff's motions to alter or amend the judgment (ECF Nos. [69]; [70]; [72]) are denied. Signed by Honorable Joseph F Anderson, Jr on 4/8/25.(rweb,)

3:24-cv-04472-JFA Notice has been electronically mailed to:

David A Anderson danderson@richardsonplowden.com, chowes@richardsonplowden.com,
clindler@richardsonplowden.com

Otto Edworth Liipfert, III worth@griffithfreeman.com, klopez@griffithfreeman.com

Hunter Weston Adams hadams@richardsonplowden.com, chowes@richardsonplowden.com,
clindler@richardsonplowden.com

3:24-cv-04472-JFA Notice will not be electronically mailed to:

Ricardo Fishbourne
279661
LCI
MA #207
PO Box 205
Ridgeville, SC 29472

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091130295 [Date=4/8/2025] [FileNumber=12380371-0

~~Exhibit~~ - Appendix-C See Supreme Court Prohibit

The Supreme Court of South Carolina

Appendix-C

Ricardo Fishburne, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000386

ORDER

2021 SEP - 1 AM 10:54

COLLETON COUNTY
COMMON PLEAS COURT

By order dated May 14, 2021, Petitioner's notice of appeal from the denial of his fifth application for post-conviction relief (PCR) was dismissed for failure to file the explanation required by Rule 243(c), SCACR.

Petitioner has now filed a petition for rehearing indicating he did file a Rule 243(c) explanation. Because Petitioner's notice of appeal was mistakenly dismissed, we grant the petition for rehearing and consider Petitioner's Rule 243(c) explanation. After careful review of Petitioner's Rule 243(c) explanation, we find Petitioner has failed to show there is an arguable basis for asserting that the determination by the PCR court was improper. Accordingly, we dismiss the notice of appeal.

Because Petitioner failed to provide any reason why the Court should not do so, we prohibit Petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging his 2001 convictions and sentences for first degree burglary (Indictment No. 2001-GS-15-417) and assault and battery with intent to kill (Indictment Nos. 2001-GS-15-415 and 2001-GS-15-416), or any motions in the underlying criminal case, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court.

Appendix-C

Appendix - C

<i>Mike Beatty</i>	C.J.
<i>Jim Kitzinger</i>	J.
<i>Ray H. Leggett</i>	J.
<i>John Carson</i>	J.
<i>De J. J. J.</i>	J.

Columbia, South Carolina
June 15, 2021

cc:
Benjamin Hunter Limbaugh, Esquire
Ricardo Fishburne, #279661

~~FILED~~
Appendix-D

Entry # 5-72
1st inquiry due to Prohibit From General Sessions

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF COLLETON)

CASE No.s: 2001GS15000415;
2001GS15000416; 2001GS15000417

STATE,)

Vs.)

Order Relieving Counsel

RICARDO FISHBURNE)
_____)

This Matter came before me on the Attorney's petition to be relieved as counsel in this case. It appears that the South Carolina Supreme Court ordered on September 21, 2021 that the Ricardo Fishburne must receive approval from the South Carolina Supreme Court before the before pursuing any action related to his 2001 Colleton County conviction for Murder. The Order is unambiguous, and prohibits ANY action relating to Mr. Fishburne's 2001 conviction. There is no indication that Mr. Fishburne had received permission from the South Carolina Supreme Court prior to commencing the above-entitled petition. It is therefore Ordered that Mr. Fishburne's attorney, David Mathews, be relieved in this case.

AND IT IS SO ORDERED, This 26 day of April, 2023,

Robert Bonds

Hon. Robert Bonds, Resident Circuit Court Judge

APR 26 2023 AM 11:52
COLLETON CO GS, REBECCA HILL

- Entry # 5-6 -

Appendix E Review of 2010 29b motion

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Indictment No.(s):

2001GS15000415, 2001GS15000416,
2001GS15000417

State of South Carolina,

v.

Ricardo Fishburne,

Defendant.

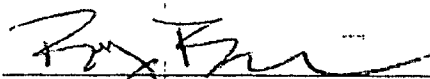
ORDER APPOINTING ATTORNEY

This Matter came to the Court on a Rule to Show Cause Motion submitted by the Defendant. The Defendant alleges that new evidence was discovered in 2009 and the Defendant subsequently filed a Motion for a New Trial based on this evidence in 2010. Defendant further alleges that his Motion in 2010 has not been heard.

After reviewing Defendant's Motion, this Court finds that the Public Defender's Office shall be appointed to represent the Defendant.

IT IS SO ORDERED.

COLLETON COUNTY
GENERAL SESSIONS COURT
2021 SEP 24 PM 12:38


The Hon. Robert J. Bonds
Presiding Judge

September 22, 2021

~~_____~~

Appendix-F ^{2nd}

jury



COLLETON COUNTY
SOUTH CAROLINA

PATRICIA C. GRANT
CLERK OF COURT

Office of the Clerk of Court
for Colleton County
P O Box 620
Walterboro, SC 29488
843-549-5791

May 15, 2024

Ricardo Fishburne # 279661
L.C.I. MA #207
P.O. Box 205
Ridgeville SC 29472

Dear Mr. Fishburne,

Enclosed we are returning your original documents un-recorded. It has been determined that the Supreme Court Order dated June 15, 2021 prohibits these documents from being filed in the Circuit Court.

Sincerely,
The Common Pleas Department

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Jeanette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Appendix - G1 Appearance in State Court 7-30-2024

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Ricardo Fishburne,

Plaintiff,

v.

Alex Murdaugh; Isaac McDuffie Stone III;
David Matthews; 14th Circuit Solicitors
Office; State of South Carolina, Donald W.
Beatty, John W. Kittredge, Kaye G. Hearn,
George C. James; and S.C. Supreme Court,

Defendants.

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT

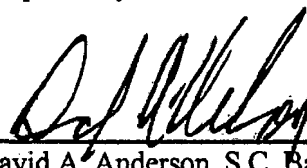
) CIVIL ACTION NO. 2024-CP-40-03571

NOTICE OF APPEARANCE

RICHLAND COUNTY
FILED
2024 JUL 30 PM 2:04
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

The undersigned counsel hereby enters an appearance on behalf of Defendants State of South Carolina, Donald W. Beatty, John W. Kittredge, Kaye G. Hearn, George C. James; and S.C. Supreme Court in connection with the above-captioned case. The Court is hereby requested to note the undersigned counsel as Counsel of record for State of South Carolina, Donald W. Beatty, John W. Kittredge, Kaye G. Hearn, George C. James; and S.C. Supreme Court and to forward all future notices, correspondence and pleadings to the undersigned.

Respectfully submitted,



David A. Anderson, S.C. Bar No. 11550
RICHARDSON, PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
danderson@richardsonplowden.com

ATTORNEY FOR DEFENDANTS STATE OF S.C. - S.C.
SUPREME COURT, DONALD W. BEATTY, CJ; JOHN

"Appendix G2 S.C. Supreme Court Removed with codefendants"

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Ricardo Fishburne,

PLAINTIFF,

v.

Alex Murdaugh, 14th Circuit Solicitor's
Office, Isaac McDuffie Stone, III, State of
S.C., David Matthews, Donald W. Beatty,
John W. Kittredge, Kaye G. Hearn, John Few
Cannon, Geroge C. James, S.C. Supreme
Court,

DEFENDANTS

C/A No. 24-av-99999

Notice of Removal

Defendants, Fourteenth Circuit Solicitor's Office, Isaac McDuffie Stone, III, David Matthews, and Alex Murdaugh, (hereinafter referred to as "the Defendants") file this Notice of Removal to remove this action from the Richland County Court of Common Pleas to this Court, pursuant to 28 U.S.C. §§ 1331, 1441(c), and 1443.

1. On June 11, 2024, the *Pro Se* Plaintiff, an inmate, filed a Summons and what appears to be a Complaint, as well as several other motions, in the Richland County Court of Common Pleas, Civil Action No. 2024-CP-40-03571. The document that appears to be the Complaint is entitled "Emergency Injunction & Declaratory Relief Request." Copies of all documents submitted to the Richland County Clerk of Court are attached.

2. Defendants Fourteenth Circuit Solicitor's Office, Isaac McDuffie Stone, III, David Matthews, and Alex Murdaugh have not been served in this case, but the Solicitor's Office received notice of the Pleadings on July 23, 2024, and out of an abundance of caution, the notice of removal is being filed within thirty days of that date pursuant to 28 U.S.C. §1446(b)(1).

3. This is a civil action over which this Court has original and removal jurisdiction under 28 U.S.C. § 1441(c). Specifically, the “Emergency Injunction & Declaratory Relief Request” alleges that the Defendants violated the Plaintiff’s rights under the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. The Plaintiff pursues those claims pursuant to 42 U.S.C. § 1983.

4. A copy of this Notice of Removal will be served on the Plaintiff, as required by 28 U.S.C. § 1446(d).

5. A copy of this Notice of Removal will be filed with the Clerk of Court for the Richland County Court of Common Pleas, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the Defendants remove this action to this Court’s jurisdiction.

GRIFFITH, FREEMAN & LIIPFERT, LLC

s/ O. Edworth Liipfert III

O. Edworth Liipfert III (Fed. ID #9815)
600 Monson Street
PO Drawer 570
Beaufort, SC 29901
843-521-4242
843-521-4247 (fax)
worth@griffithfreeman.com

ATTORNEYS FOR DEFENDANTS 14TH
CIRCUIT SOLICITOR’S OFFICE, ISAAC
MCDUFFIE STONE, III, DAVID MATTHEWS,
AND ALEX MURDAUGH

August 14, 2024
Beaufort, South Carolina

*Defendants Removed together
Rule of unanimity*



OMS

Offender Management System

Inmate Request - General

Today's Date: 4/8/22 13:31

Name: FISHBURNE, RECARDO
Booking #: 279661
Permanent #: 279661

Reference #: 20-01800385
Date Requested: 12/19/20 13:22
Request Type: Investigations
Requested By: Kiosk

Request Details: 8:20-cv-01480-TMC-JDA this is the case numver research the lawsuit i have against scdc/ government... Scdc is the government or a part of it right??? Also i am demanding you investigate what the government /scdc told inmates about a device being in my teeth mouth and brain... X-Rays will prove rather any this is true.. I will sign anything agreeing to have tests.. This will be your biggest case.. Because either way is a win win... Fue to privacy.. Right to privacy in U.S constitution thry cant have a dentist put this in my teeth without my agreeing... I never did... So if its there theyre wrong.. If its not there they not only defamed my character by telling inmate population this... They also violated 8th amenment right to equal protection... This way scdc and tge government can do away with this cellphone network ... The reason they brought it back here was to question me on whats on my mind and eyes... Ill submit to tests... And then be done with it.. Either way is a win win im just tired them **PAYING INMATES TO TORTURE AND QUESTION ME ABOUT WHATS ON MY MIND OR WHATS IN MY TEETH**

Disposition: Complete
Officer:
Disposition Date: 12/29/20 08:29

Request Responses

Date	Author	Note
12/29/20 08:30	c062844	Mental Health is aware of this situation.

Attachment I

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS REQUEST TO STAFF MEMBER

TO: STAFF NAME: <u>Ms. Labrador Director of Mental Health</u>		STAFF TITLE: <u>10-17-21</u>	DATE: <u>10-17-21</u>
INMATE NAME: <u>Ricardo Fishburne</u>		SCDC #: <u>2796601</u>	
INSTITUTION: <u>BR-I</u>	DORM/SIDE/BED: <u>WA #123</u>	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: <input type="checkbox"/> PREA <input type="checkbox"/> MEDICAL <input checked="" 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.

Director of Men mental Health Ms. Labrador,
I wrote you the end of last month. Asking to
be put into A program due to me being in P.C.
well As Retaliation SCDC has moved me
out of P.C. AGAINST MY WILL. I Requested
P.C. And they forced me out into population, in shackles.
Due to the Telepathy. I spoke to you about being
Public I NEED P.C. Because the Telepathy
my mind eyes is public knowledge. Anything else And
SCDC is committing Treason by forcing me in population.

DISPOSITION BY STAFF MEMBER:

I'm assessed by Vaughn on 10/28/21 -

I have informed H. Word of your
concerns & he is supposed to come
back to you.

DATE: 10/29/21

STAFF SIGNATURE: Vaughn

Attachment - J

which contain items copied from the internet, copied from other unrelated litigated cases, and some include his handwritten comments on items previously filed as Defendants' exhibits.

Plaintiff presents no testimony regarding the contents or relevance of any of the documents, all of which are inadmissible hearsay.

Plaintiff's various responses to Defendants' motions argue in page after page of confusing handwritten discourse that he notified the individually named defendants that he needed protective custody but that each of them ignored his requests. A review of Plaintiff's numerous requests for protective custody, shows that he never identified a known risk to his safety which led to and was the cause of, the March 10, 2022, assault. In Plaintiff's Response he never connects the numerous generalized requests for "protective custody" ("pc" or "PC") to the events that transpired on March 10, 2022. The generalized requests for PC have no factual connection to the assault.

Plaintiff's Response and exhibits try to show that each Defendant was on notice at some point in time that he wanted to be moved into protective custody. However, Plaintiff, even in those documents, never properly identifies a known and exiting risk to his health and safety. The Defendants are told nothing. Plaintiff's written RTS/OMS documents are not related at all, except in Plaintiff's mind, to the spontaneous events of March 10, 2022. Some of those requests, like those against Defendants Stirling and Davis, were made even prior to Plaintiff being transferred to Broad River Correctional Institution. ("BRCI"). Plaintiff claims some defendants, like Lt. Ward, Capt. Cleave, (Cleveland) and Lt. Jones, were made aware of his desire to be placed into protective custody at the time of his transfer to BRCI in October 2021 and that such a request put them on notice of the events that occurred on March 10, 2022.

call me
A [redacted]
what heger
Jordan KB
this.

9:36:23 Monday, March 21, 2022

Attachment # 3-10-22 stabbing

MINI230D
OMMINSYASOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISPLAY MIN NARRATIVE03/21/22
C065645

MIN ID: 22-03-0211-0029

SUBJECT> MIN TEXT

PHASE.: DISTRIBUTED

DATE SENT: 03/10/22

ARCHIVE IND.> N

SUBMITTING INST> 0211 BROAD RIVER

DELETE DATE.> 00/00/00

MIN TEXT.>

ON THURSDAY MARCH 10, 2022 THE FOLLOWING INCIDENT OCCURRED AT BROAD RIVER CORRECTIONAL INSTITUTION: NURSE PRACTITIONER EMETU SAW INMATE RECARDO FISHBURNE CDC # 279661 FROM MONTICELLO B 197B AFTER LT. HANKS ENTERED MEDICAL WITH HIM. INMATE CLAIMED THAT HE DID NOT KNOW WHAT HAPPENED BUT IT WAS DETERMINED THAT HE WAS ASSAULTED BY SEVERAL UNKNOWN INMATES. IT WAS THEN DETERMINED BY NURSE PRACTITIONER EMETU THAT INMATE FISHBURNE NEEDED TO BE TRANSPORTED TO PRIMA HOSPITAL VIA VAN FOR A LIP LACERATION AND MISSING TEETH. INMATE FISHBURNE WAS ESCORTED BY OFFICER EDWARDS AND OFFICER SIMPSON AT 10:40 AM TO PRIMA HEALTH EMERGENCY ROOM IN COLUMBIA. INMATE WAS TRANSPORTED VIA VAN #1166. EAC WAS NOTIFIED AND CAPTAIN SPIKES SPOKE WITH SGT. BETHEA.

UPDATED BY> FREDERICKS, ARTHUR

DELETE? N

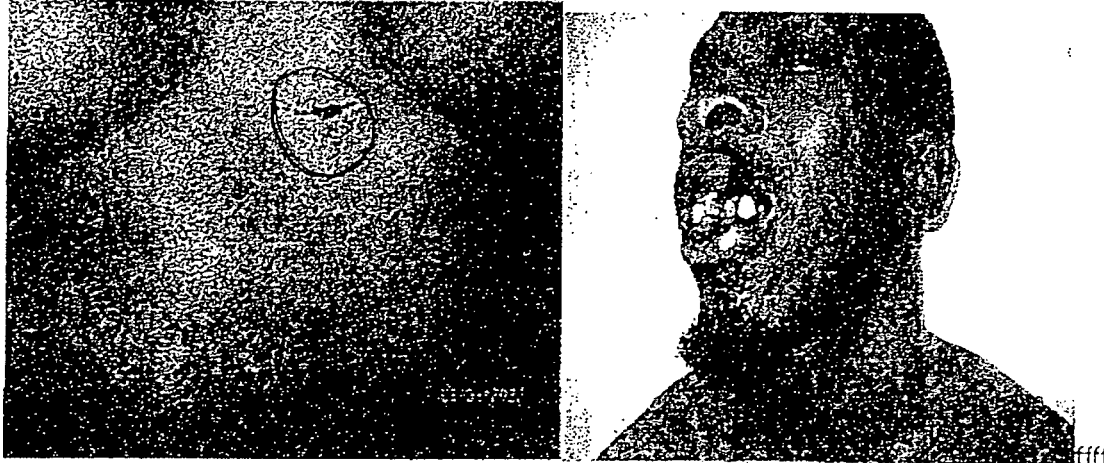
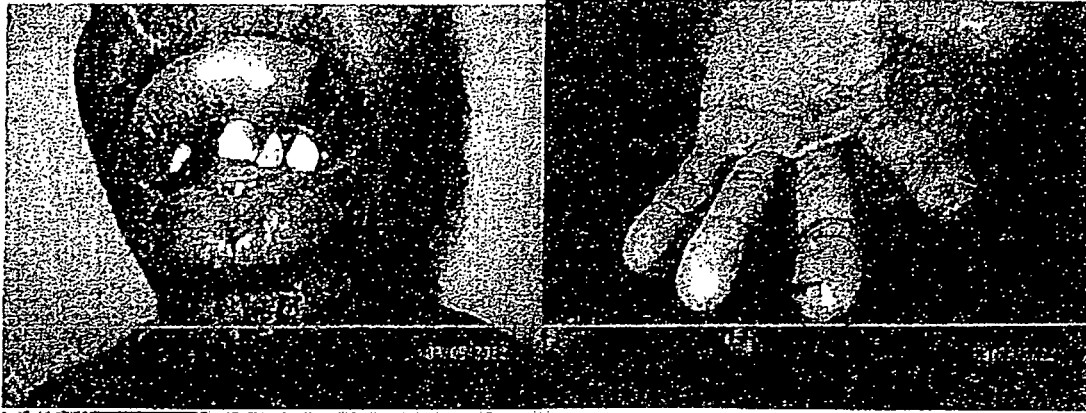
(END)

DATE.....> 03/15/22

PRESS PF9 FOR PAGE 1 OF NEXT MIN, PF2 FOR PAGE 2 OF NEXT MIN

PF5:LIST INVOLVE PF4:COPY F6:VIEW ROUTE F7:PREV F8:NEXT F12:MIN (PAGE 1)

" Attachment - K 3-10-22 stabbing "



Inmate Fishburne Recardo scdc# 279661 Date 3-10-22

Targeted my teeth. 3 chest-heart

photo Supposed to be in color not black & white

Exh. 1

Attachment L CATSCAN CT

**PRISMA
HEALTH**

RH EMERGENCY DEPT
5 Medical Park Rd
COLUMBIA SC 29203

Fishburne, Daran
MRN:
DOB:
Adm: C: 3/10/22

Sex: M

03/10/2022 - ED in Emergency Department Richland Hospital (continued)

ED Provider Note (continued)

Administrations	Status	Frequency	Start Date	End Date
mg/mL (1 %) Injection 5 mL lidocaine-prilocaine-tetracaine (L.E.T.) 4- 0.05-0.5 % topical gel	MAR Report	Complete Once d	03/10/22	03/10/22

Medical Decision Making

Orders Placed This Encounter
Procedures

- CT Head w/o Contrast
- CT Sinus Facial Bones w/o Contrast
- Inpatient Consult to Facial Trauma

] ← Cat Scan = CT

-My differential diagnosis for this patient includes ICH, SAH/SDH/ADH, facial fracture, lip laceration, dental avulsions.
-Patient is neurologically intact with no focal deficits on exam.
-Based on patient presentation, initial workup including imaging and medications will be obtained for evaluation as detailed above.
-Initial medical intervention included Tylenol 1 g. Will be provided with further analgesia throughout encounter after obtaining results of head imaging.
-Additional labs/imaging/medications will be ordered if deemed appropriate based on initial results and treatment course.

ED Course

-Patient was seen immediately on arrival by myself with attending present for all clinical oversight. Patient was connected to continuous cardiac monitoring and pulse oximetry upon arrival to ED.
-Thorough history and physical exam were performed as noted above.
-Medical records, nursing notes, and vital signs reviewed.
-Vitals were remarkable for Elevated blood pressure 139/110. Afebrile sitting properly on room air with no signs of respiratory distress or increased work of breathing.
-Physical exam as detailed above.
-Initial workup including imaging and medications were ordered promptly as detailed above.
→ -CT head negative for acute intracranial abnormalities. CT facial bones showing maxillary alveolar ridge fracture left of midline.
-Lip laceration repair along with left distal middle finger laceration repair was performed. Patient tolerated procedure without complication. Please see procedure note for full details.
-Facial trauma was consulted and agreed to see the patient the ED.
-At time of signout, patient awaiting evaluation by facial trauma. Will utilize recommendations to guide disposition moving forward.
-Patient's care was transferred and signed out to oncoming resident, Dr. Rice, at shift change.

The care I have provided was supervised by my attending, Dr. Robinson.

Impression

1. Closed fracture of alveolar process of maxilla, initial encounter (HCC)
2. Lip laceration, initial encounter
3. Laceration of left middle finger without foreign body without damage to nail, initial encounter

Dispo

Patient's care was transferred and signed out to oncoming resident, Dr. Rice, at shift change.

Exhibit A " Attachment M 8-12-21 Assault

Covered my face with weapon
knife

Fishburne v SDC
2021-CP-40-4407

SCDC-051



Attachment N



S.C. Supreme Court Complaint

The Supreme Court of South Carolina OFFICE OF DISCIPLINARY COUNSEL

William M. Blitch, Jr.
Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

March 5, 2025

PERSONAL AND CONFIDENTIAL

Via Email Only:

Recardo Fishburne
Lieber Correctional Institution, MA-0207-A
Post Office Box 205
Ridgeville, SC 29472

RE: Judge: The Honorable John W. Kittredge
Chief Justice, Supreme Court of South Carolina
Matter Number: 2025-SCT-002

Dear Mr. Fishburne:

We have received your complaint about Chief Justice Kittredge. Pursuant to In Re: Office of Disciplinary Counsel Independent Committee for the Supreme Court, S.C. Sup. Ct. Order dated August 1, 2024, your complaint is being forwarded to the Independent Committee for consideration and review. You will not necessarily be contacted prior to a decision regarding your complaint. Additionally, this Office will not be able to provide you, or anyone, with a status update on your complaint. If you wish to contact the Committee, you may do so by mail to the same address you mailed your complaint. Please reference the above matter number in all future correspondence.

Please note that the authority of the Committee and the jurisdiction of the Commission on Judicial Conduct are limited to issues of whether a judge is subject to discipline pursuant to the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR. We also take this opportunity to advise you this Office, the Committee, and the Commission cannot provide you with legal assistance or advice. Neither this Office nor the Committee have the authority to intervene in your legal matter or to change the outcome of any legal proceeding. If you believe it necessary, you should promptly seek assistance or advice that you might need from a lawyer to determine your legal rights and options. If you do not have a lawyer and believe you need one, you can contact the South Carolina Bar Lawyer Referral Service at 1(800) 868-2284.

You will be notified by the Committee or the Commission of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made.

Sincerely,



William M. Blitch, Jr.

Attachment N



S.C. Supreme Court Complaint

The Supreme Court of South Carolina OFFICE OF DISCIPLINARY COUNSEL

William M. Blitch, Jr.
Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

March 5, 2025

PERSONAL AND CONFIDENTIAL

Via U.S. Mail Only:

Recardo Fishburne Lieber Correctional Institution
Post Office Box 205
MA-0207-A
Ridgeville, SC 29472

RE: Judge: The Honorable Kaye G. Hearn
Former Justice, Supreme Court of South Carolina
Matter Number: 2025-SCT-003

Dear Mr. Fishburne:

We have received your complaint about former Justice Hearn. Pursuant to In Re: Office of Disciplinary Counsel Independent Committee for the Supreme Court, S.C. Sup. Ct. Order dated August 1, 2024, your complaint is being forwarded to the Independent Committee for consideration and review. You will not necessarily be contacted prior to a decision regarding your complaint. Additionally, this Office will not be able to provide you, or anyone, with a status update on your complaint. If you wish to contact the Committee, you may do so by mail to the same address you mailed your complaint. Please reference the above matter number in all future correspondence.

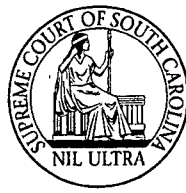
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Sincerely,

William M. Blitch, Jr.

Attachment N- Complaint



S.C. Supreme Courts

The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

William M. Blitch, Jr.
Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

March 5, 2025

PERSONAL AND CONFIDENTIAL

Via U.S. Mail Only:

Recardo Fishburne Lieber Correctional Institution
Post Office Box 205
MA-0207-A
Ridgeville, SC 29472

RE: Judge: The Honorable George C. James
Justice, Supreme Court of South Carolina
Matter Number: 2025-SCT-004

Dear Mr. Fishburne:

We have received your complaint about Justice James. Pursuant to In Re: Office of Disciplinary Counsel Independent Committee for the Supreme Court, S.C. Sup. Ct. Order dated August 1, 2024, your complaint is being forwarded to the Independent Committee for consideration and review. You will not necessarily be contacted prior to a decision regarding your complaint. Additionally, this Office will not be able to provide you, or anyone, with a status update on your complaint. If you wish to contact the Committee, you may do so by mail to the same address you mailed your complaint. Please reference the above matter number in all future correspondence.

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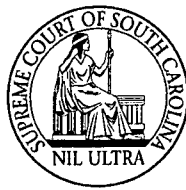
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Sincerely,



William M. Blitch, Jr.

Attachment N



S.C. Supreme Court Complaint

The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

William M. Blitch, Jr.
Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

March 5, 2025

PERSONAL AND CONFIDENTIAL

Via U.S. Mail Only:

Recardo Fishburne Lieber Correctional Institution
Post Office Box 205
MA-0207-A
Ridgeville, SC 29472

RE: Judge: The Honorable John C. Few
Justice, Supreme Court of South Carolina
Matter Number: 2025-SCT-005


Dear Mr. Fishburne:

We have received your complaint about Justice Few. Pursuant to In Re: Office of Disciplinary Counsel Independent Committee for the Supreme Court, S.C. Sup. Ct. Order dated August 1, 2024, your complaint is being forwarded to the Independent Committee for consideration and review. You will not necessarily be contacted prior to a decision regarding your complaint. Additionally, this Office will not be able to provide you, or anyone, with a status update on your complaint. If you wish to contact the Committee, you may do so by mail to the same address you mailed your complaint.

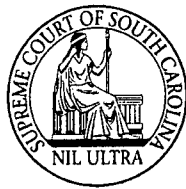
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You will be notified by the Committee or the Commission of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made.

Sincerely,



William M. Blitch, Jr.



Attachment - N

S.C. Supreme Court Complaints

The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

William M. Blitch, Jr.
Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

March 5, 2025

PERSONAL AND CONFIDENTIAL

Via U.S. Mail Only:

Recardo Fishburne Lieber Correctional Institution
Post Office Box 205
MA-0207-A
Ridgeville, SC 29472

RE: Judge: The Honorable Donald W. Beatty
Former Chief Justice, Supreme Court of South Carolina
Matter Number: 2025-SCT-006

Dear Mr. Fishburne:

We have received your complaint about Former Chief Justice Beatty. Pursuant to In Re: Office of Disciplinary Counsel Independent Committee for the Supreme Court, S.C. Sup. Ct. Order dated August 1, 2024, your complaint is being forwarded to the Independent Committee for consideration and review. You will not necessarily be contacted prior to a decision regarding your complaint. Additionally, this Office will not be able to provide you, or anyone, with a status update on your complaint. If you wish to contact the Committee, you may do so by mail to the same address you mailed your complaint.

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You will be notified by the Committee or the Commission of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made.

Sincerely,

William M. Blitch, Jr.

Attachment - 0

OMS		Offender Management System
Inmate Request - General		
Today's Date: 4/10/2024 13:28		
Name:	FISHBURNE, RECARDO	
Booking #:	279661	
Permanent #:	279661	
Reference #:	21-02208828	
Date Requested:	09/21/21 12:18	
Request Type:	Privilege Reinstatement	
Requested By:	Kiosk	
Request Details:	<p>Warden Kendall I spoke with you this morning about p.c status. Are you familiar with scdc op 22.23 policy ? Its states if im not mistaken that to meet criteria for statewide you have to be either a confirmed informant (im not but scdc placing me on frontline of a snitch network puts me in the shoes of a snitch) or you have a prior history of being assaulted (ive been stabbed 5 times 3-04-16/ 9 times 7-24-16/ 1 time 6-17-17 ... Also i was lynched 5-25-21/ & 8-12-21... If this doesnt count for me having a history of being assaulted i dont know what is. Clearly i score out for statewide pc. Because all these attacks happened by blood gang members. They have animosity with me for denouncing their gang and this snitch network exposing that its all the SAME scdc fbi irs sled etc all TOGETHER. THIS MAKES THEM INFORMANTS AND THEY HAVE ANIMOSITY FOR THEM BEING IN COOPERATION WITH FEDS. THEY WOULD HAVE ME LIE SAYING ITS TWO BUT IM NOT PUTTING MY REPUTATION ON THIS NETWORK. TRUTH HAS A WAY OF RESURFACING. EVEN IF ITS 100 years from now.</p>	
Disposition:	Complete	
Officer:		
Disposition Date:	09/23/21 10:23	
Request Responses		
Date	Author	Note
09/23/21 10:23	c020389	Noted, per Warden Kendall.
<p>Post 1 Since this request: Was Assaulted Again on 3-10-22 due to Failure to place me on p.c / Failure to Protect.</p> <p>Correction: Assaults committed by Bloods, G.O's & Crips. ALL of the Gangs AT SCDC.</p>		
Inmate Request - General		

Attachment P-1 Separation/Gang Member

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
MEMORANDUM

TO: Division Director, Classification and Inmate Records
FROM: Tyger River C.I.
SUBJECT: SEPARATION/CAUTION
DATE: 8/09/17

Exh. ~~_____~~

Please ensure that a "CAUTION" is issued for placement in the offender Central Record, Institutional Record, and Automated Record of the below listed inmate(s):

1. TYPE OF ACTION REQUESTED: ☒ SEPARATION REQUIREMENT ☐ DELETION OF SEPARATION:

SCDC#: 279661

NAME: Ricardo Fishburne

To be separated/deleted from:

SCDC#: 348385

NAME: Anthony Williams Jr.

SCDC#: _____

NAME: _____

SCDC#: _____

NAME: _____

SCDC#: _____

NAME: _____

SCDC#: _____

NAME: _____

- ☐ EXTRAORDINARY CIRCUMSTANCES:

SCDC#: _____

NAME: _____

- ☐ INTERSTATE CORRECTIONS:

SCDC#: _____

NAME: _____

2. Explanation/Reason for Caution: Inmate Fishburne was assaulted by inmate Williams with a weapon, resulting in a stab wound to to Fishburne's arm.

3. Source of Information: M.I.N. #17-06-0161-0047, Incident Report, and video evidence.

4. Comments: _____

Attach supplemental
sheets as needed

Warden: Laura Caldwell / B. J. Tucker, A/I

Location: Tyger River

Classification Case Manager/Designee: Dennis Burnett, Caseworker

Location: Tyger River

Telephone: 803-896-3564

Original: to State Classification Copy: for requestor's file.

"Attachment P-2/ Separation Gang Member"

:43 Wednesday, August 09, 2017

DIS1100P

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/09/17
C034951

SCDC ID: 348385

DISPLAY INMATE OFFENSE HISTORY

WILLIAMS JR, ANTHONY LEON

CURR LOC: TYGER RIVE

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

SERIOUS MENTAL ILLNESS: N

OFFENSE

TYPE

OFFENSE

HEARING

NET GT

DHO

OFF

CASE#

DESCRIPTION

ACTION

DATE

DATE

LOST

DECISION

LVL

00038 STRIKE I/M W/NO WEAP

MAJOR DI 06/16/17 07/05/17 00030 CONVICTED 2

00036 POSSESSION OF CONTRAB

OTHER AC 03/11/17 03/19/17 00000 CLOSED 3

00035 POSS. OR/ATTEMPT TO P

MAJOR DI 03/11/17 03/29/17 00040 CONVICTED 1

Asst ✓ 00034 STRIKING AN EMPLOYEE

MAJOR DI 03/11/17 03/29/17 00020 CONVICTED 2

00032 POSSESSION OF CONTRAB

ADMINIST 11/29/16 12/06/16 00000 CONVICTED 3

00031 POSSESSION OF CONTRAB

ADMINIST 05/18/16 05/19/16 00000 CONVICTED 3

STG ✓ 00030 UNLAW I/M ORGAN/PART

MAJOR DI 04/13/16 05/02/16 00060 CONVICTED 2

00029 POSS. OR/ATTEMPT TO P

MAJOR DI 12/05/15 12/23/15 00100 CONVICTED 1

00028 POSSESSION OF CONTRAB

MAJOR DI 12/05/15 12/23/15 00030 CONVICTED 3

00027 OUT OF PLACE

ADMINIST 11/22/15 11/24/15 00000 CONVICTED 3

00026 POSS. OR/ATTEMPT TO P

MAJOR DI 07/14/15 08/03/15 00100 CONVICTED 1

00025 POSSESSION OF CONTRAB

ADMINIST 06/15/15 06/21/15 00000 CONVICTED 3

PAGE 0001

ELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY

PF4-MODIFY

PF6-DISMISSED/NOT GUILTY

PF11-QUIT

PF10-MAIN MENU

Exhibit **P**

Attachment P-3

OMS Offender Management System		
Inmate Request - General		
Today's Date: 4/10/2024 13:28		
Name:	FISHBURNE, RECARDO	
Booking #:	279661	
Permanent #:	279661	
Reference #:	21-02273636	
Date Requested:	10/24/21 03:52	
Request Type:	Security	
Requested By:	Kiosk	
Request Details:	<p>Director of SCDC Brian Stirling I am writing in regards to this cellphone program scdc has with inmates. Ive written you several times about this. To no avail In 2013 I discovered that scdc used me as bait to start this cellphone program with inmates Due to one my friends slipping and admitting to an inmate that she worked for the warden versus everyone else working for fbi. Truth is its all the SAME scdc wardens gets orders from fbi sled etc. However i am writing due to a show i seen on COURT TV ON 10-22-21 CALLED 60 MINUTES IN... This is Fulton county jail having participants go undercover in the county jail to stop contraband. minus the cellphones.. They claim fulton county and clark county indiana is the only places ever practiced this. On this show a woman named Angele slipped and told another inmate that she was undercover working for the warden. When the sheriff office got scent of this <u>breach</u> they immediately <u>shut down</u> the program. Im asking how is it in 2013 the MISTAKE or ACCIDENT happened where a friend slipped and told an inmate bout ME and that she worked for the warden? Why didnt you stop the program then? Because obviously the entire scdc population knows ive distributed contacts that enabled/ enables inmates to tell on officers inmates etc. This is a breach that you allowed to go on since 2013... Trying to patch it up? This may be reason ive been stabbed so many times. Or why ive been lynched back to back this year. At least the warden shut the program down in 60 minutes in. Why you didnt shut it down better yet why didnt sled shut it down? Because she admitted she made that mistake apologized and all. Do yall even care about me? My well being? Because you had to know using me would cause me to suffer irreparable harm. Sled and fbi also. They had to know. Now im being denied protective custody. Although ive been used without my consent. And my life has been threatened.</p>	
Disposition:	Complete	
Officer:		
Disposition Date:	02/10/22 14:25	
Request Responses		
Date	Author	Note
02/10/22 14:25	c058331	As of today, this matter should be resolved
<p><i>This was admitted 2-10-22</i> <i>60 days in</i></p> <p><i>24-3-980A Law Capt. Probert Johnson ACT</i></p> <p><i>Passed 5-13-24</i></p>		
Inmate Request - General		

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SCDC-020

To the extent Plaintiff is asking the court to impose sanctions under Rule 37 of the Federal Rules of Civil Procedure, the court declines to do so, finding no basis for them in this instance. See *Powell v. S.C. Dep't of Corr.*, No. 21-CV-2720, 2022 WL 22588066, at *1-2 (D.S.C. Mar. 28, 2022) (discussing the criteria for imposing sanctions under Rule 37 and declining to issue sanctions because the evidence did not show the defendants committed perjury in responding to the plaintiff's first set of requests for admissions). In his motion, Plaintiff mischaracterizes the questions posed to Stirling and Davis in the interrogatories. He did not ask them about the use of cellphones under the Act. Rather, he asked them about their knowledge of the alleged cellphone/tablet program he references in his complaint, which he contends had been in existence for years, or, in other words, prior to the passing of the Act. That program allegedly involves a cellphone network endowed by the SCDC that it uses to target Plaintiff from prison to prison as well as to control inmates. (ECF Nos. 1-1 at 63-64; 43 at 2-3; 199-1 at 1-3, 10). Having carefully reviewed the motion, including the interrogatories and answers thereto, the court finds sanctions are not appropriate in this instance. Accordingly, the motion at docket entry [199] is **DENIED**. Signed by Magistrate Judge William S. Brown on 2/20/25.(rweb,)

8:23-cv-05469-TMC Notice has been electronically mailed to:

Claude E Hardin, Jr chardin@mckayfirm.com, bjetzke@mckayfirm.com, fdiaz@mckayfirm.com

8:23-cv-05469-TMC Notice will not be electronically mailed to:

Ricardo Fishburne
#279661
LCI
MA #207
PO Box 205
Ridgeville, SC 29472

Search SCETV.org — The Gavel

for The Capt. Robert Johnson Act

Legislation 24-3-980 and search

how, why, when by which Legislators

this Law was passed

"It's all there" at SCETV.org - The Gavel

Like Shark Tank the TV show. When someone

Selling their product to Legislators they wanna

know how many have you sold. How long you

been selling it. who have you sold to. How

Start selling this plan to Authorize Telecommun.

General Assembly
had to Ask
how the 1st
Primates human
used to conduct
this program
Fishbourne
turned out.