

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Mitria Figueroa, Respondent,

v.

Jesus E. Figueroa, Appellant.

Appellate Case No. 2016-000909

Appeal From Berkeley County
Jack A. Landis, Family Court Judge

Unpublished Opinion No. 2018-UP-251
Submitted May 1, 2018 – Filed June 13, 2018

VACATED AND REMANDED

Megan Catherine Hunt Dell, of Dell Family Law, P.C., of
Charleston, for Appellant.

Mitria Figueroa, of Goose Creek, pro se.

PER CURIAM: Jesus E. Figueroa (Husband) appeals the family court's summary denial of a Rule 60(b)(1), SCRPC, motion filed by Mitria Figueroa (Wife) which Husband joined in seeking the requested relief.

Our record indicates the family court judge recused himself from the case and simultaneously denied the Rule 60(b)(1) motion. Under these circumstances, we

find it appropriate to vacate the order and remand the matter to be reassigned to a different family court judge for consideration of the parties' joint Rule 60(b)(1) motion.

VACATED AND REMANDED.¹

SHORT, THOMAS, and HILL, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.