

**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**

Edward Tyrone Hills, Appellant,

v.

Dean, University of South Carolina, Respondent.

Appellate Case No. 2022-001512

Appeal From Richland County
DeAndrea G. Benjamin, Circuit Court Judge
Donald B. Hocker, Circuit Court Judge

Unpublished Opinion No. 2023-UP-303
Submitted August 23, 2023 – Filed August 30, 2023

AFFIRMED

Edward Tyrone Hills, *pro se*.

Monteith Powell Todd and Rachel Moore Hutchens, both
of Robinson Gray Stepp & Laffitte, LLC, of Columbia,
for Respondent.

PER CURIAM: Edward Tyrone Hills contends the circuit erred when it rejected his argument that the defendant in this case was in default. We respectfully disagree. The defendant's first filing with the circuit court was a motion seeking dismissal under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. That rule allows

the moving party to file such a motion before filing an answer. There is no dispute the defendant's filing was proper under the rules. Thus, the circuit court correctly held the defendant was not in default.

Hills does not challenge the correctness of the later order granting the motion to dismiss (beyond arguing that the defendant was in default). Therefore, the judgment in the defendant's favor is

AFFIRMED.¹

WILLIAMS, C.J., and HEWITT and VERDIN, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR. The pending motion to expedite this case is dismissed as moot.