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MAR 03 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Robert L. Reibold

Trial Court Case No. 2022ALJ040230AP

Samuel Wilder, # 258295

Appellant,

v.

South Carolina Dep't of Corrections

Respondent

Appellate case No. 2023-000097

MOTION TO PROCEED ON FORMA PAUPERIS

This Cause is before this court by Samuel Wilder, #258295, who moves this Court for an Order allowing him to proceed in forma pauperis in this appeal. The appeal from ALC was dismissed for failure to pay filing fee, as required by Rule 203, SCAGR and the letter dated January 26, 2023. Appellant contends that filing fees should be waived because the appeal deals with a new program for inmates and how inmates are removed out of the program, moreover, it deals with the "fundamental rights" of the Federal Constitution, hence Due Process Clause of the 14th Amendmet. Martin v. State, 321 S.C. 533, 471 S.E.2d 134 (S.C. 1995).

Prisoners right, unlike Sullivan v. SCDC (S.C. 2003) 355 S.C. 437 where his grievance dealt with immediate enrollment in second phase of sex offender treatment program which did not involve fundamental right, in contrast, the new program known as CBU and how it operates is statutory within its finding by legislature and fundamental when it comes to removal, notice and opportunity to be heard which is govern by policy and access to courts. See Temple v. Lewis, 2020 WL 8872625; and Bounds v. Smith 430 U.S. 817 (1977)!! Appellant is indigent.

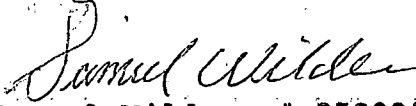
CONCLUSION

Appellant should be allowed to proceed in forma pauperis!!

Dated

Dated

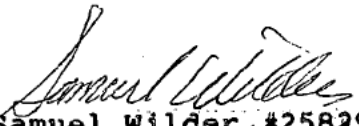
February 27, 2023


Samuel Wilder, # 258295
Tyger River C.I.
200 Prison Rd
Enoree, SC 29335

*
Account verification applies for.

CERTIFICATE OF SERVICE

The undersigned hereby certify that he mail motion to proceed in
fora pauperis to S.C. Appeals Court, addressed to Jenny A.
Kitchings, Clerk and to Office of the Attorney General, Christina
C Bigelow, Esquire this 27 day of February 2023 by depositing
same in the U.S. mail.


Samuel Wilder, #258295

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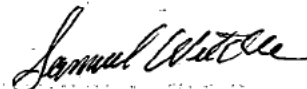
South CAROLINA Court of Appeals
Jenny A. Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

RE: motion to proceed in forma pauperis

Dear Clerk:

Please find motion to proceed in forma pauperis that is served upon you for filing, would you return stamp filed copy to me.

Sincerely,



Samuel Wilder

