

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

DEC 27 2023

Roger Young, Circuit Court Judge

SC Court of Appeals

Case No. 2023-001672

Willie A. Key, Appellant,

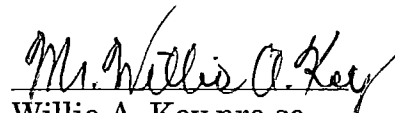
v.

Ansonborough House and Karen Schlabs, Property Manager,
Individually and in her Official capacity and Unknown Board
Of Directors of Ansonborough Housing
Corporation, Respondents.

MOTION TO REINSTATE

Willie A. Key hereby moves the court to reinstate his appeal on the ground that the respondents were never served with the complaint because the appellant was waiting for the Court to approve his Motion to Proceed in Forma Pauperis, which the Court denied.

December 21, 2023.


Willie A. Key pro se
71 Society St., Apt. 501
Charleston, S.C. 29401
(843) 530-0284

Other Counsel of Record:
None

MEMORANDUM

STATEMENT OF THE CASE

On September 27, 2023 Appellant, Willie A. Key, brought an action alleging violation of the S.C. Homeland Security Act against Karen Schlabs, Property Manager and Unknown Board of Directors of Ansonborough Housing Corporation. Said action was never served, where appellant's Motion to Proceed in Forma Pauperis was denied by the court, Judge Young.

DISCUSSION

First, appellant submits that this courts rules did not anticipate the issue involved in this appeal—denial of a motion to Proceed in Forma Pauperis.

Appellant submits that the rules of the lower court require granting a motion to proceed in forma pauperis before an indigent plaintiff may serve a complaint on a defendant. Absent this requirement, an indigent plaintiff is free to serve a complaint on a defendant immediately after it is clocked in by a clerk.

Thereafter, following this line of thought, the defendant, by rule, has thirty (30) days to answer the complaint, absent knowledge that it was accompanied by a motion to proceed in forma pauperis which may not be granted — as in the instant case.

Appellant does not follow the logic of a rule that requires him to serve a complaint on a defendant prior to a decision on his motion to proceed in forma

pauperis. If the motion is denied, as it was in the instant case, is the plaintiff liable for defendant's costs of answering the complaint?

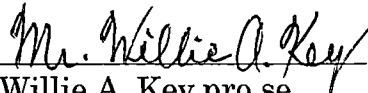
Whereas the named respondents (defendants in the initial case), were not served with the complaint, and where granting or denying a motion to proceed in forma pauperis is mandatory as opposed to discretionary, what is the logic of serving a notice of appeal on them? These facts presented appellant with a dilemma which he resolved as described in the following paragraph.

Appellant viewed this appeal as matter only between the appellant and Judge Roger Young of the lower court. Thus, appellant provided this court with timely service of the Notice of Appeal upon Judge Young as opposed to the respondents named in the appeal.

CONCLUSION

Based on the above discussion appellant's Appeal should be reinstated.

Respectfully submitted,


Willie A. Key pro se
71 Society St., Apt. 501
Charleston, S.C. 29401
(843) 530-0284

Dated: December 2 / , 2023.

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PROOF OF SERVICE

I certify that I have served the Motion for Reinstatement on the
Honorable Roger Young by personally serving a copy of same to him at the
office of the Clerk of Common Pleas Court located at 100 Broad St., Suite 106,
Charleston, S.C. 29401

December 21, 2023.

Mr Willie A Key
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South Carolina Court Of Appeals
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