

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger Young, Circuit Court Judge

Case No. 2023-001672

Willie A. Key, Appellant,

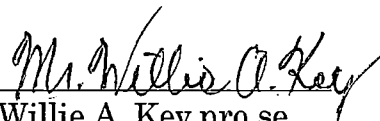
v.

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

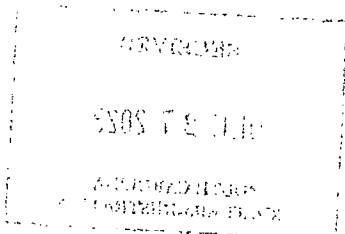
Willie A. Key hereby moves the court to reinstate his appeal on the ground that the respondents were never served with the complaint because the appellant was waiting for the Court to approve his Motion to Proceed in Forma Pauperis, which the Court denied.

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.

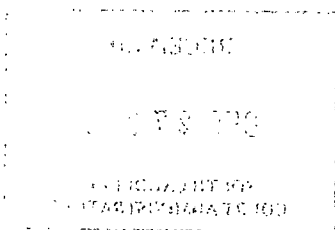
DISCUSSION

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.

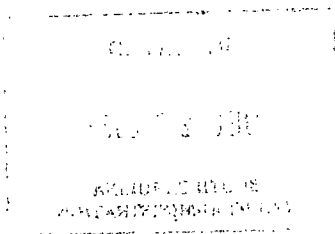
CONCLUSION

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.



Mr. Willie A. Key
71 Society St., Apt. 501
Charleston, S.C. 29401

December 21, 2023

S.C. Court Administration
1015 Sumter St.
Suite 200
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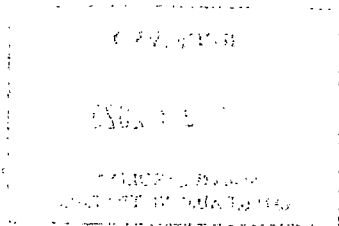
SC Court of Appeals

To Whom It May Concern:

Please read the attached **Motion to Reinstate** and appreciate the difficulty I am experiencing in appealing the judge's order denying my Motion to Proceed in Forma Pauperis. Consider a different procedure for appealing this type of order. Thank you for listening.

Sincerely,

Mr. Willie A. Key



Mr. Willie A. Key
71 Society St, Apt. 501
Charleston, S.C. 29401

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