

The South Carolina Court of Appeals

John Alexander, Appellant,

v.

William G. Yarborough, III, Esquire; Lisa Cherry; John Doe, Contract Attorney; and John Doe, Paralegal, Respondents.

Appellate Case No. 2023-001839

ORDER

Appellant initially filed a notice of appeal from the circuit court's October 27, 2023 order on November 27, 2023. However, he failed to file a proof of service with the notice of appeal. Accordingly, this court sent Appellant a letter advising him he must file a proof of service, as well as a number of other deficiencies. Appellant subsequently filed a proof of service stating he served the notice of appeal upon Respondents on December 11, 2023. Because Appellant failed to timely serve the notice of appeal, this appeal is dismissed for lack of appellate jurisdiction. *See* Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within thirty days after receipt of written notice of entry of the order); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). The remittitur will be sent as required by Rule 221(b), SCACR.

Additionally, Appellant's motion to proceed *in forma pauperis* is denied. *See Martin v. State*, 321 S.C. 533, 535, 471 S.E.2d 134, 134-35 (1995) ("In the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions.").



FOR THE COURT

Columbia, South Carolina

FILED
Mar 28 2024

cc:

John Douglas Alexander, 194748

William G. Yarborough, III, Esquire