

# The South Carolina Court of Appeals

Arthur (Shadid) Mosley (Majid), #199398, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2024-000426

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## ORDER

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Appellant has filed a motion to proceed *in forma pauperis*. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *See Ex Parte Martin*, 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."). According to the order on appeal, Appellant challenges his conviction for a disciplinary infraction for which "Appellant *did not lose any good time* rather Appellant's privileges were taken, he failed to earn good time for the month the disciplinary infraction occurred, and he was given disciplinary detention." (emphasis added). Appellant has the burden of showing his entitlement to this relief, but he has not done so. *See Al-Shabazz v. State*, 338 S.C. 354, 372, 527 S.E.2d 742, 751 (2000) ("An inmate has no protected liberty interest in a 'minor' disciplinary proceeding in which he does not face the potential loss of sentence-related credits, but only lesser penalties such as extra duty, loss of television privileges, or cell restriction."); *Howard v. South Carolina Dep't, of Corr.*, 399 S.C. 618, 629, 733 S.E.2d 211, 217 (2012) ("[A]n inmate's *loss of the opportunity* to earn sentence-related credits does not implicate a state-created liberty interest." (emphasis added)). Accordingly, Appellant's motion to proceed *in forma pauperis* is denied.

Appellant has fifteen days from the filing date of this order to provide this court with the \$250 notice of appeal filing fee. Failure to provide the filing fee will result in the dismissal of this appeal.



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FOR THE COURT

Columbia, South Carolina

cc:

Shahid Majid, 00199398

Christina Catoe Bigelow, Esquire

**FILED**  
**May 09 2024**