

# The Supreme Court of South Carolina

John E. Wilson, Jr., #295493, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-001346

Lower Court No. 2011CP3100069

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ORDER

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**RECEIVED**  
AUG 22 2013  
**SC Court of Appeals**

After the circuit court granted summary judgment to the respondent in this action brought under the South Carolina Tort Claims Act, petitioner attempted to appeal. The South Carolina Court of Appeals dismissed the appeal based on petitioner's failure to serve and file a notice of appeal that complies with Rule 203 of the South Carolina Appellate Court Rules (SCACR), and his failure to file a proof of service showing that the notice of appeal had been timely served on opposing counsel. The Court of Appeals subsequently denied a petition for rehearing. *Wilson v. South Carolina Department of Corrections*, Appellate Case No. 2012-212866.

Petitioner has now filed a petition for a writ of certiorari seeking review of the decision of the Court of Appeals. The petition is dismissed for several reasons.

First, petitioner has not paid the filing fee required by Rule 242(c), SCACR, nor has he asked this Court to waive the fee. Further, even if he had asked to waive the fee, there is simply no statute or constitutional provision that authorizes or requires the filing fee to be waived in a tort action. *Ex Parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995) ("motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions").<sup>1</sup>

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<sup>1</sup> Before the Court of Appeals, petitioner cited to S.C. Code Ann. § 24-27-100. That section, which allows for a payment plan for indigent prisoners to pay civil filing fees, is inapplicable to filing fees incurred with either this Court or the South