

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM THE ADMINISTRATIVE LAW COURT

Appellate Case No. 24-A2J-04-0598-AD

Roy White, #263221
Appellant,

V.

South Carolina Department
of Corrections,
Respondent.

Appellate's Motion For Leave To
Proceed In Forma Pauperis Without
Cost and Fees

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Appellant request to waive the \$250.00 filing fee by requesting to proceed in forma pauperis because Appellant is indigent and Appellant's case involves violations of his "fundamental rights" of the U.S. Constitution and South Carolina Constitution rights of Due Process (property interest) and Equal Protection of the law.

Appellant's Issue was: "The South Carolina Department of Corrections (SCDC) fail to pay the prevailing wage 24-3-430(d) and permit appellant the right to exhaust his administrative remedies, which is generally considered a rule of policy, convenience, and discretion, rather than one of law, and is not jurisdictional." Ward V. State, 343 S.C. 14, 17 n.5, 538 S.E.2d 245, 246 n.5 (2000)

Pursuant to the doctrine of "fundamental fairness" the filing fee should be waived. "The Supreme Court of the United States has only applied this "fundamental fairness" doctrine in cases where a state has deprived a person of fundamental rights because of indigency by subjecting the person to incarceration or denying access to courts." White V. Shwedo, 2020 WL 2315800 at 4; M.L.B. V. S.L.J., 518 U.S. 102, 117 (1996) "A state cannot arbitrarily cut off appeal rights for indigents while leaving open avenues of appeal for more affluent persons." Ross V. Moffit, 417 U.S. 600 (1974)

Thus, pursuant to the above laws Appellant is constitutionally entitled to proceed on Appeal in forma pauperis. Because Appellant is indigent and his issue on Appeal involves fundamental rights Appellant request that this motion be granted.

September 30, 2024

Respectfully Submitted,

~~s/ Roy White~~

Roy White

Allendale CI/F-3

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Fairfax, S.C. 29827

(2.1)

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South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, S.C. 29211

September 30, 2024

RE: Appellate Case No. 24-ALJ-04-0598-AP

Dear Clerk,

Hello, please find enclosed for filing in your office:

- (1.) "Notice of Appeal"
- (2.) Appellate's Motion For Leave To Proceed *in forma pauperis* Without Cost and Fees"
- (3.) "Affidavit in support of motion to proceed without payment of Cost and Fees"
- (4.) "Certificate of Service"

Also, please send to me a clock-stamped copy of the above enclosed documents. Please ~~inform~~ ~~me~~ what the Court deadline would be to file my "Initial Brief" and "Designation of matter to be Included in the Record on Appeal!"

Sincerely,
Roy White

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Roy White #263221

A.C.I

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