

THE STATE OF SOUTH CAROLINA
In the Court of APPEALS

Michael T. BRAXTON
Appellant,
v.

Case No. 2025-000172

MOTION TO RECONSIDER

Don A. Thompson
Respondent.

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APR 07 2025

SC Court of Appeals

The Prose Appellant Michael T. Braxton humbly comes before this honorable court seeking equitable Reconsideration of his MOTION TO PROCEED IN FORMA PAUPERIS and MOTION FOR AN EXTENSION OF TIME, upon the order which was rendered on March 20, 2025.

The COVID-19 precautions presently prevent the Appellant from attaching the lower court response to the dual filing of his MOTION TO PROCEED IN FORMA PAUPERIS, dated on December 9, 2024.

The Appellant DID NOT assume his indigent status automatically transferred to the honorable Court of Appeals, however, the Appellant was of the mind that the court would adopt the lower court determination under EX PARTE Raymond Harrison v. STATE, In re Raymond Harrison v. Sherry Dianne Harrison, 696 S.E. 2d 180 (S.C. App 2007), Lakes v. STATE, 333 S.C. 382, 510 S.E. 2d 228 (CT App 1998), SEE ALSO Boddie v. Connecticut, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed 2d 113 (1971) which provides: The Constitution requires that an indigent be allowed access to the courts where certain fundamental rights are involved.

The Appellant is FORCED to settle a claim of RIGHT and DUTY through judicial process, and MUST be given a meaningful opportunity to be heard.

The Appellant's UNLAWFUL, EXCESSIVE Confinement places him within the status of being Unable to pay the FEE required, due to his income being WELL BELOW the Poverty Guidelines established by the U.S. Department of Health and Human Services. SCRCP, Rule 3(b)
(COMMENCEMENT OF ACTION)

The Appellant's MOTION FOR EXTENSION OF TIME was Filed before the Court due to the recent sporadic application of a COVID-19 protocol here at the WELLPATH (MAXIMUM SECURITY) TREATMENT FACILITY.

The enforcement of this protocol has denied the Appellant access to limited research and Formatting resources available, that would enable the Appellant the Best opportunity to be in compliance with the directives of the court.

Additionally, the Appellant has been unable to provide a "SPECIFIC TIME FRAME" in his request for an EXTENSION, due to the UNPREDICABILITY OF THE imposed restrictions.

The Appellant's best estimate at this time would be between 30-60 days.

The Appellant humbly request that his MOTION TO RECONSIDER his MOTION TO PROCEED IN FORMA PAUPERIS and MOTION FOR EXTENSION OF TIME be GRANTED, which will enable his Appellate Process to proceed.

The Appellant Thanks the Court for it's time and Consideration in this urgent matter.

RESPECTFULLY SUBMITTED,

Michael T. Braxton

MICHAEL T. BRAXTON

4546 BROAD RIVER RD

COLUMBIA, SC 29210

April 2ND 2025

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Michael T. Braxton
Appellant,
v.

CASE No. 2025-000172

PROOF OF SERVICE
RECEIVED

Don A. Thompson
Respondent.

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SC Court of Appeals

The Appellant Michael T. Braxton hereby declares under penalty of perjury that on the 2nd day of April 2025 that he placed a true and exact copy of his MOTION TO RECONSIDER in the U.S. Mail, Postage Pre-Paid, addressed to the following listed below:

THE SOUTH CAROLINA COURT OF APPEALS
JENNY A. KITCHINS, HONORABLE CLERK
P.O. Box 11629
COLUMBIA, SC 29211

Michael T. Braxton
MICHAEL T. BRAXTON
4546 BROAD RIVER RD
COLUMBIA, SC 29210

JEANETTE W. McBRIDE
Clerk of Court

VIRGINIA F BELCHER
Chief Deputy Clerk of Court



MAILING ADDRESS:
POST OFFICE BOX 2766
COLUMBIA, S.C. 29202-2766

TELEPHONE:
Phone: (803) 576-1950
Fax: (803) 576-1785
TDD (803) 748-4999

RICHLAND COUNTY CLERK OF COURT
Richland County Judicial Center
1701 Main Street, Room 205
Columbia, S. C. 29201

January 31, 2025

Michael T Braxton
4546 Broad River Rd
Columbia SC 29210

We have received your inquiry and respond as follows:

2024cp4002262

- We were unable to find a case with the name(s) and/or case number that you provided. If the case is a Richland County Case, please provide us with as much information as possible. (For example: a list of the **full** names of **ALL** parties in the case number and approximate filing date).
- The document you requested was not in the referenced case file. If the document was a Proposed Order, you may want to contact the Chief Administrative Judge or the Judge to whom you proposed this Order.
- The record you requested is sealed by Court Order. A court order will be required to open the file. Please contact an attorney.
- In order to obtain a transcript, send a written request to South Carolina Court Administration at 1015 Sumter Street, Suite 200, Columbia, SC 29201. You need to provide the case number, the Judge's name, and the date of the trial. If you have any questions, call (803) 734-1800.
- A \$5.00 money order or law firm check and a self-addressed stamped envelope are required for copies of all documents that are less than 20 pages. For documents over 20 pages, please contact this office for an exact amount.
- This office is not permitted to provide legal advice or legal forms. Please contact an attorney to assist you.
- This office cannot assist you with your request. For assistance, please contact:
- Other: We are returning your filing because your in forma pauperis has already been filed with Clerk of Court in this case. (See clocked copy.) If you are wanting to file this Motion for Leave to Proceed In Forma Pauperis at Court of Appeals, Court of Appeals is at PO Box 11629, Columbia, SC 29211.

Sincerely,

Richland County Clerk of Court

STATE OF SOUTH CAROLINA,

COUNTY OF RICHLAND

Michael T. Braxton

Plaintiff

vs.

Dow A. Thompson

Defendant.

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

2024CP4002262

FILE NO. _____

I, Michael T. Braxton being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. hereby request that the complaint be filed and service made without costs.

RICHLAND COUNTY
FILED
2024 APR 11 AM 9:28
JENNIFER W. McBRIDE
C.P. G.S., & F.C.R.

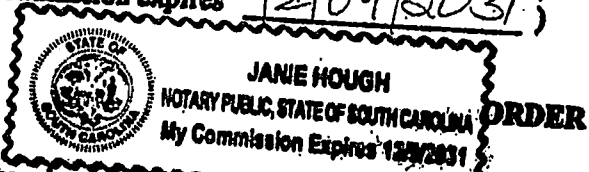
Sworn to and Subscribed before me

this 1 day of April, 2024.

Janie Hough
Notary Public for South Carolina

Michael T. Braxton
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

My Commission expires 12/09/2031



Leave is granted to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is denied to proceed in forma pauperis.

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Dated: _____, 2 _____

APR 07 2025

_____, South Carolina

JUDGE/CLERK OF COURT
SC Court of Appeals

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

SCCA 405CP (10/10)

April 2, 2025

THE South Carolina Court of Appeals
Jenny A. Kitchings, Honorable Clerk
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Submission of MOTION TO RECONSIDER
CASE No. 2025-000172

Dear Honorable Clerk,

Please find enclosed the MOTION TO RECONSIDER of
the Appellant Michael T. Braxton, along with PROOF OF SERVICE
and the lower Court determination of RICHLAND COUNTY
COURT OF COMMON PLEAS.

Respectfully,

Michael T. Braxton

MICHAEL T. BRAXTON
4546 BROAD RIVER RD
Columbia, SC 29810

cc. file

Michael T. Braxton
4546 Grand R. Ar R2
Columbia, SC 29210



THE SOUTH CAROLINA COURT OF APPEALS

JEWEL A. KITCHINGS, HONORABLE CLERK

P.O. Box 11629

Columbia, SC 29211

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SC Court of Appeals

