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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appellate Case No. 2024-2189

APPEAL FROM OCONEE COUNTY

**The Honorable R. Lawton McIntosh, Circuit Court Judge
2024-CP-37-00080**

Dorothy Pierce.....Appellant,

v.

Danny Singleton.....Respondent.

**RETURN TO APPELLANT'S REQUEST TO PROCEED IN FORMA PAUPERIS
AND TO WAIVE FILING FEES**

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INTRODUCTION

By her instant Request, Appellant seeks leave of this Honorable Court to proceed in forma pauperis, and for the \$150.00 in filing fees referenced in the October 9, 2025, deficiency letter to Appellant from the Chief Deputy Clerk of this Honorable Court to be waived. (*See* Req. re IFP at 1) Appellant represents she is "residing temporarily in Uganda," that she is "indigent" and without "access to banking facilities," and that she "cannot comply with the fee requirement without undue hardship." (*Id.*) Appellant contends Rules 240(d)(1) and 263(b) govern the present circumstance, (*id.* at ¶ 5), but given her current location she has submitted a declaration of indigency as provided by 28 U.S.C. § 1746, (*id.*), and requests, "consistent with this Court's discretion under Rule 263(b)," that said declaration be accepted "as sufficient to establish indigency and good cause." (*Id.* at ¶ 6)

Respondent thus shows this Honorable Court the following:

ARGUMENT

Pursuant to Rule 240(d), SCACR, this Honorable Court may direct filing fees be waived in "extraordinary cases."¹ Appellant further cites Rule 263(b), SCACR, as embodying this Honorable Court's discretion as to waiver of a filing fee. (Req. re IFP at ¶¶ 5-6) Yet Rule 263(b) provides for the extension or shortening of time limits, and makes no mention of anything to do with indigency or filing fees. *See* Rule 263(b), SCACR. Therefore, it appears for Appellant to obtain waiver of the referenced filing fees, Appellant must establish this is an "extraordinary case[]." ² Rule 240(d), SCACR.

¹ Respondent notes despite Appellant's claim to the contrary, there is no subsection (1) under Rule 240(d), SCACR. (*But see* Req. re IFP at ¶ 5)

² Respondent is not aware of a separate provision of the Appellate Court Rules governing indigency, and in light of this Honorable Court's inherent authority to determine pertinent issues

While Appellant claims she is now "residing temporarily in Uganda," (Req. re IFP at ¶ 1), it is striking Appellant offers no explanation for a) why she made the decision to move to Uganda; b) how long she expects to be there; c) how a person who is "indigent" can afford to travel to and reside in a foreign nation; and d) how a person who is "indigent" can be confident of her ability to return to South Carolina in the future. (*Cf. generally id.*) Thus, in Respondent's view Appellant has failed to establish within the body of her Request any "extraordinary" circumstance which would justify waiver of the filing fees, nor has she provided any basis from which it may be cogently reasoned that Appellant is, in fact, indigent.³ (*See id.*) Accordingly, Appellant's Request must be denied. *See* Rule 240(d), SCACR.

Additionally, it is notable Appellant claims she filed a declaration of indigency pursuant to 28 U.S.C. § 1746 with her instant Request. (*See* Req. re IFP at ¶ 5) But the copy of the Request served upon Respondent includes no such declaration, and thus Respondent is without any ability to analyze and address what may have been asserted therein. Moreover, even if Appellant did draft and serve such a declaration upon Respondent, a declaration pursuant to that statute is not authorized in the present matter because questions of indigency and the waiver of filing fees before this Honorable Court do not involve "any law of the United States or . . . any rule, regulation, order, or requirement" of federal law. 28 U.S.C. § 1746. Accordingly, any such declaration filed by Appellant should therefore be disregarded by this Honorable Court, and Appellant's instant Request denied. *See id.*

(Conclusion and signature page follows.)

as to matters before it, reads the language of Rule 240(d) regarding "extraordinary cases" to control questions of indigency.

³ Respondent recognizes his view of Appellant's present assertions of indigency is colored by Appellant's demonstrable history of claiming various things in court filings which are less than accurate. (*See generally* Resp. Br. at 26-39)

CONCLUSION

FOR THE REASONS SET forth herein, Respondent prays this Honorable Court to DENY Appellant's Request to Proceed In Forma Pauperis and to Waive Filing Fees.

Respectfully submitted,

s/ James W. Logan, Jr.
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This 27th day of October, 2025.