

State of South Carolina
In the Supreme Court

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Appeal From Richland County

APR 17 2026

Daniel Coble, Circuite Court Judge S.C. SUPREME COURT

2025-CP-40-01962

Michael D Thomas 329390 Appellant,

✓

State of South Carolina

Respondent.

Notice of Appeal

Michael Thomas, #329390, appeals the order of Dismissal denying his Application for Post-Conviction Relief filed November 24, 2025 issued by the Honorable Daniel Coble, Presiding Judge, Fifth Judicial Circuit

Michael Thomas

Michael Thomas 329390

Jan/14/26

The supreme Court of south Carolina

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S.C. SUPREME COURT

Michael D. Thomas
Petitioner
v.
State of South Carolina
Respondent

Appellate Case # 2026-000205

Affidavit of service

The Plaintiff hereby Certifies that a true ~~copy~~ copy of the notice of appeal has been served upon state of South Carolina and the Attorney General. Michael D. Thomas the Petitioner sent it off to his prison mail Room on Jan, 14/2026 The Prisons mail Room sent it off on Jan/20/2026 as shown on SCDC Debit F.H. Cooper Account form, which the petitioner has attached as evidence. This is Petitioner 3rd time doing this and ask the supreme court do no dismiss his case

Michael Thomas 329390
Michael Thomas

MAIL ROOM

Orders on Motions

4:22-cv-03887-JD Gray v.
Hingleton et al

JURY

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APR 17 2026

S.C. SUPREME COURT

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 1/5/2026 at 1:15 PM EST and filed on 1/5/2026

Case Name: Gray v. Hingleton et al

Case Number: 4:22-cv-03887-JD

Filer:

Document Number: 91(No document attached)

Docket Text:

TEXT ORDER denying [87] Plaintiff's Motion for Appointment of Counsel.

There is no constitutional right to appointed counsel in civil cases. Under 28 U.S.C. § 1915(e)(1), the Court may request that an attorney represent an indigent litigant only upon a showing of exceptional circumstances. In determining whether such circumstances exist, the Court considers whether the plaintiff has a colorable claim and, if so, whether the plaintiff lacks the capacity to present that claim in light of its complexity and the plaintiff's demonstrated abilities. See *Whisenant v. Yuam*, 739 F.2d 160 (4th Cir. 1984); *Jenkins v. Woodard*, 109 F.4th 242 (4th Cir. 2024).

The Court has previously denied Plaintiff's requests for appointed counsel, including by written order applying the *Whisenant* standard. See DE 58; see also DE 81. Plaintiff's present motion largely reiterates the same grounds previously raised: indigency, incarceration, limited legal knowledge and law library access, the existence of disputed testimony, and unsuccessful efforts to obtain counsel. (DE 87.) Plaintiff has not identified any material change in circumstances since the Court's prior rulings.

The Court acknowledges that Plaintiff's claims have survived summary judgment and are, therefore, colorable. However, based on the record as a whole, Plaintiff has demonstrated the ability to adequately present his claims pro se. He has filed coherent pleadings, engaged in discovery, submitted sworn declarations and witness statements, and successfully opposed dispositive motions. The legal and factual issues presented are not so complex, nor has Plaintiff shown such a lack of capacity, as to constitute exceptional circumstances warranting appointment of counsel at this stage.

Accordingly, Plaintiff's Motion for Appointment of Counsel (DE 87) is DENIED WITHOUT PREJUDICE. The Court may reconsider the issue should circumstances materially change.

IT IS SO ORDERED.

Signed by the Honorable Joseph Dawson, III on 1/5/2026. (lgib,)

4:22-cv-03887-JD Notice has been electronically mailed to:

William Henry Davidson, II wdavidson@dml-law.com, rsherman@dml-law.com

John Pyatt Grimes, Jr jgrimes@dml-law.com, lroche@dml-law.com

4:22-cv-03887-JD Notice will not be electronically mailed to:

Michael N. Gray
#306062
MCI-F5-Rm#3
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

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APR 17 2026

S.C. SUPREME COURT

Michael D. Thomas

Plaintiff

v.

The Supreme Court of S.C.

Respondent

Case No: 2026-000205

Statement asking The Supreme Court to reconsider its decision to dismiss Petitioner ~~Case~~ Above Case No: 2026-000205

Statement of Facts:

I Michael D. Thomas #B29390 the petitioner admits he suffers from severe mental disabilities such as: Bipolar disorder, schizophrenia, ADHD, Anti social personality disorder etc. from childhood. My disabilities sometime causes me to lose track of time and reality, or even sometimes prevent me from doing things because in my mind I already done them which is why I thought I serve the supreme court with proof, (that I have served a copy of the notice of appeal on opposing counsel), the first two time petitioner wrote an affidavit of service to the supreme courts. The petitioner has asked the lower courts numerous of time for an court appointed lawyer due to my mental disabilities, which in this case has prevented me from providing the supreme court with proof of service.

Berman Justus, Jr. vs. Harold W. Clarke, Argued: May. 3, 2023, Decided: Aug 15, 2023, is a case that is similar exactly to this case & the law that was applied to that case should apply to ~~my~~ mine as well due to that the situation in these cases are similar. So therefore the petitioner asks the Supreme Court please do not dismiss his case due to his lack of abilities due to his mental disabilities. He also attaches a motion from the U.S. District Court denying him appointed counsel because they mistakenly thought I was asking for a court appointed counsel for a civil case in which I the petitioner was not but was ask for one in this very case. I am a indigent, destituted inmate with mental disabilities, who had no counsel. Also proof that notice of appeal has been served is attached

Sworn that this day
of March 1, 2020 that the
Statement ~~is~~ I give is true

Michael Thomas
Michael Thomas

The Supreme Court of South Carolina

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APR 17 2026

S.C. SUPREME COURT

Michael D. Thomas

Petitioner

v.

The Supreme Court of SC

Respondent

Case No: 2026-000205

Extension

The petitioner Ask's the supreme courts for a 30 day extension to produce the copy of the notice of appeal on opposing Counsel which the petitioner has attached to this Extension

march 7, 2026

Michael Thomas

Michael Thomas 329390

Michael Thomas 4390
M.C.I. F4A-2'18
386 Redemption Way
McCormick, SC 29899

ATLANTA GA RPDC 302

8 APR 2026 AM 3



US POSTA



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The Supreme Court of South Carolina
PATRICIA A. Howard
P.O. Box 11330
Columbia, SC 29211

MAIL

29202-11333

