

The South Carolina Court of Appeals

Regina Ford, Appellant,

v.

Zack Allenye, Respondent.

Appellate Case No. 2026-001200

ORDER

On May 26, 2026, Appellant filed a notice of appeal from a circuit court order affirming a magistrate court's order evicting Appellant. Appellant also filed an "emergency motion to stay enforcement." In this motion, Appellant stated she rented space for commercial use from Respondent. Further, Appellant provided a writ of ejectment showing that if she had not voluntarily vacated the premises by 10 a.m. on May 27, 2026, then a deputy sheriff may effectuate the ejectment.

After careful consideration, we grant a temporary stay and remand this case to the circuit court for an expedited hearing on Appellant's motion to stay and a determination of any appeal bond. *See* Rule 241(d), SCACR (explaining an application for supersedeas must first be made to the lower court which entered the order on appeal); S.C. Code Ann. § 27-37-130 (2007) ("An appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond as in other civil cases for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages which the landlord may sustain thereby.").

Appellant shall provide this court with status updates in writing every thirty days until the circuit court rules on her motion to stay. Further, Appellant shall provide this court with a copy of the circuit court's written order regarding the motion for a stay within ten days of receiving notice of the ruling. Appellant's failure to provide this court with status updates every thirty days or to notify this court of the circuit court's ruling within ten days of receiving notice of the ruling will result in dismissal of this appeal.

Finally, Appellant moved to proceed *in forma pauperis*. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *See Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Appellant has the burden of showing she is entitled to this relief, but she has not done so. Therefore, Appellant's motion is denied. The filing fee must be paid within fifteen days of the date of this order. Failure to provide the filing fee will result in dismissal of the appeal.

This appeal is not held in abeyance while the circuit court considers the motion to stay.



J.

FOR THE COURT

Columbia, South Carolina

FILED
May 26 2026

cc:

Regina Ford

Zack Alleyne

Doris Poulos O'Hara

Honorable George M. McFaddin, Jr.