

**THE STATE OF SOUTH CAROLINA**

In The Court of Appeals

APPEAL FROM HORRY COUNTY  
COURT OF COMMON PLEAS, FIFTEENTH JUDICIAL CIRCUIT  
Lower Court Case No. 2026CP2605005

Appellate Case No. \_\_\_\_\_

Thomas Edward Humphrey, Appellant,  
v.

State of South Carolina; Henry Dargan McMaster, Governor;  
South Carolina Department of Public Safety; South Carolina  
Highway Patrol; Christopher A. Plyler; and ABC Mobile  
Auto & RV Repair, Respondents.

RECEIVED  
AUG 10 2026  
SC Court of Appeals

**MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Plaintiff-Appellant Thomas Edward Humphrey respectfully moves this Court for leave to prosecute this appeal *in forma pauperis*, without prepayment of the appellate filing fee or costs, and states:

**I. Indigency**

1. Plaintiff is indigent and unable to pay the appellate filing fee. His total monthly income is \$1,213, received as donative support. His available funds total \$16.46. He is in debt, and every dollar of income he receives is committed to existing obligations and necessities before it is received. He has no discretionary funds and no source from which the appellate filing fee could be paid. Plaintiff was unable to obtain notarization of the supporting Affidavit of Indigency before the close of business on the date of this filing; the notarized Affidavit will be served and filed as a supplemental filing on the following business day.

2. Plaintiff's indigency was placed before the court below by sworn financial declaration and was not disputed. The order on appeal contains no finding that Plaintiff is able to pay, and the box indicating failure to establish compliance with the poverty guidelines pursuant to Rule 3(b)(1), SCRCF, was left unchecked.

3. Plaintiff's inability to pay is corroborated by his inability to meet ordinary living expenses. His cellular telephone service was suspended for non-payment on July 10, 2026, and remains suspended; the past-due balance of \$165.57 is beyond his means. The last payment he was able to make on that account was \$51.36 on June 11, 2026. For more than a year he has maintained that service only by dividing each monthly bill into two partial payments, being unable to pay a full monthly bill at one time. Documentation of these facts is designated Exhibit C and will be filed with the Affidavit of Indigency referenced in paragraph 1 above.

4. Plaintiff did not pay the \$150.00 filing fee demanded below because he was and remains unable to do so. His nonpayment reflects inability, not indifference.

## **II. Waiver Is Required Where the Action Concerns Fundamental Rights**

5. The underlying action concerns fundamental rights: the security of Plaintiff's person and property against unreasonable seizure, trespass to chattels and conversion of his property, freedom from false arrest and false imprisonment, and the deprivation of liberty and property without due process of law. In *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1996), the Supreme Court held:

*Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts.*

321 S.C. at 535, 471 S.E.2d at 135 (citing *Boddie v. Connecticut*, 401 U.S. 371 (1971)). The Court further directed that where "the cause of action concerns a fundamental right that requires

waiver of the filing fee,” the motion must be granted, and noted that its enumerated examples were not exhaustive: “[o]ther statutory exceptions and other fundamental rights may require the waiver of filing fees for indigents.” *Id.* at 536, 471 S.E.2d at 135 & n.1.

6. The order on appeal is immediately appealable under *Lakes v. State*, 333 S.C. 382, 510 S.E.2d 228 (Ct. App. 1998), because the denial of *in forma pauperis* status effectively discontinued the action of a litigant whose only means of prosecuting the action was *in forma pauperis*.

7. The same guarantee that entitles an indigent to file such an action without a fee entitles him to appellate review of its denial without a fee. To require an indigent to pay a fee in order to appeal the denial of a fee waiver would make the right of access self-defeating. Indigency cannot be a barrier to justice.

### **III. Relief Requested**

8. WHEREFORE, Plaintiff-Appellant respectfully requests that this Court grant leave to prosecute this appeal *in forma pauperis*, waive the appellate filing fee and all costs of this appeal, including any costs associated with service, and grant such other relief as is just.

Respectfully submitted,



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Thomas Edward Humphrey, *In Propria Persona*  
107 Middlesex Road, Apartment 5  
Waltham, Massachusetts 02452  
(617) 835-9319  
ThyKingdomCome1322@gmail.com

Dated: August 5, 2026

STATE OF SOUTH CAROLINA  
COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT — HORRY COUNTY



*Thomas Edward Humphrey v. State of South Carolina, et al.*

Case No. 2026CP2605005

*On Appeal to the South Carolina Court of Appeals*

**E X H I B I T**



**USPS INFORMED DELIVERY DAILY DIGEST**

*Proof of Receipt of Written Notice of Entry — July 6, 2026*

**DESCRIPTION**

United States Postal Service Informed Delivery Daily Digest issued to Plaintiff at 7:28 a.m. on Monday, July 6, 2026, displaying a scanned image of the envelope bearing the return address of Renee N. Elvis, Horry County Clerk of Court, P.O. Box 677, Conway, South Carolina 29528-0677, addressed to Plaintiff's residence in Waltham, Massachusetts, and mailed under a postage meter mark of July 1, 2026. Documents Plaintiff's July 6, 2026 receipt of written notice of entry of the order denying leave to proceed in forma pauperis, the date from which the thirty-day period of Rule 203(b) (1), SCACR, runs, and establishes that this Notice of Appeal, served and filed August 5, 2026, is timely.

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Notice of Appeal

Humphrey v. State of South Carolina, et al. • Horry Cnty. C.P. No. 2026CP2605005

STATE OF SOUTH CAROLINA  
COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT — HORRY COUNTY



*Thomas Edward Humphrey v. State of South Carolina, et al.*

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**E X H I B I T**

**B**



**HORRY COUNTY PUBLIC INDEX**

*Docket Record of Case No. 2026CP2605005*

**DESCRIPTION**

True and correct copy of the Public Index of the Horry County Clerk of Court for Case No. 2026CP2605005, reflecting the Summons and Complaint and Motion and Affidavit to Proceed In Forma Pauperis filed June 23, 2026; a docket entry styled "Filing Fees Wavied" (sic) dated June 23, 2026; the Order Denying In Forma Pauperis and the Clerk's letter to Plaintiff, both entered July 1, 2026; and the "Order/Electronic Form 4 — Case Dismissal" entered August 4, 2026, by the Honorable B. Alex Hyman. Documents both the final judgment appealed from and the internal inconsistency of the record as to fee status.

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Notice of Appeal

Humphrey v. State of South Carolina, et al. • Horry Cnty. C.P. No. 2026CP2605005



# Horry County Fifteenth Judicial Circuit Public Index



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**Switch View**

## Thomas Edward Humphrey VS South Carolina State of , defendant, et al

|                      |                       |                   |                                           |                    |                 |
|----------------------|-----------------------|-------------------|-------------------------------------------|--------------------|-----------------|
| Case Number:         | 2026CP2605005         | Court Agency:     | Common Pleas                              | Filed Date:        | 06/23/2026      |
| Case Type:           | Common Pleas          | Case Sub Type:    | Person Inj/Other 399                      | File Type:         | Mediator - Jury |
| Status:              | Dismissed             | Assigned Judge:   | Clerk Of Court C P, G S, And Family Court |                    |                 |
| Disposition:         | Other / Circuit Civil | Disposition Date: | 08/04/2026                                | Disposition Judge: | Hyman, B. Alex  |
| Original Source Doc: |                       | Original Case #:  |                                           |                    |                 |
| Judgment Number:     |                       | Court Roster:     |                                           |                    |                 |

| Case Parties            | Judgments                                              | Tax Map Information | Associated Cases | Actions          | Financials       |                                                                                       |
|-------------------------|--------------------------------------------------------|---------------------|------------------|------------------|------------------|---------------------------------------------------------------------------------------|
| Name                    | Description                                            | Type                | Motion Roster    | Begin Date       | Completion Date  | Documents                                                                             |
| Humphrey, Thomas Edward | ADR/Alternative Dispute Resolution (Clerk Workflow)    | Action              |                  | 01/19/2027-14:46 | 08/04/2026-14:46 |                                                                                       |
| Humphrey, Thomas Edward | Order/Electronic Form 4 - Case Dismissal               | Order               |                  | 08/04/2026-12:12 | 08/04/2026-12:12 |  |
| Humphrey, Thomas Edward | Certificate/COC Mailing Copies of Court Orders         | Action              |                  | 07/01/2026-09:04 | 08/04/2026-09:04 |                                                                                       |
| Humphrey, Thomas Edward | Letter to Plaintiff Regarding Denied In Forma Pauperis | Filing              |                  | 07/01/2026-08:14 | 08/04/2026-08:14 |  |
| Humphrey, Thomas Edward | Order Denying In Forma Pauperis                        | Order               |                  | 07/01/2026-08:14 | 08/04/2026-08:14 |  |
| Humphrey, Thomas Edward | Motion and Affidavit/In Forma Pauperis                 | Filing              |                  | 06/23/2026-14:49 | 08/04/2026-15:24 |  |
| Humphrey, Thomas Edward | Filing Fees Wavied                                     | Filing              |                  | 06/23/2026-14:47 | 08/04/2026-14:47 |                                                                                       |
| Humphrey, Thomas Edward | Summons & Complaint                                    | Filing              |                  | 06/23/2026-14:43 | 08/04/2026-14:43 |  |



**Renee N. Elvis**  
**Horry County Clerk of Court**  
P.O. Box 677  
1301 2nd Avenue  
Conway, SC 29526

July 1, 2026

Thomas Edward Humphrey  
107 Middlesex Rd Apt 5  
Waltham, MA 02452

RE: 2026CP2605005

Dear Mr. Humphrey:

I am writing to inform you that your motion to proceed *in forma pauperis* in this case has been DENIED. You have ten (10) days from the date of this letter to pay the filing fee of \$150.00, or this case will be dismissed pursuant to the enclosed Order of the Court.

Please let me know if I can be of any further assistance.

Sincerely,

*Bridgett Williamson*

Bridgett Williamson  
Supervisor, Common Pleas Division

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South Carolina Department of Public Safety; South Carolina  
Highway Patrol; Christopher A. Plyler; and ABC Mobile  
Auto & RV Repair, Respondents.

**PROOF OF SERVICE**

I, Thomas Edward Humphrey, certify that I have served a copy of the foregoing Notice of Appeal, with Exhibits A and B thereto, and Motion to Proceed *In Forma Pauperis* on Appeal upon the following, by depositing the same in the United States Mail, first-class postage prepaid, addressed as follows:

Office of the Attorney General  
Rembert C. Dennis Office Building  
1000 Assembly Street, Room 519  
Post Office Box 11549  
Columbia, South Carolina 29211  
(on behalf of Respondents State of South Carolina;  
Henry Dargan McMaster, Governor; South Carolina  
Department of Public Safety; South Carolina Highway  
Patrol; and Christopher A. Plyler, upon Appellant's  
understanding that Respondent Plyler, as a state agent  
sued for conduct in his official capacity, is represented  
by the Office of the Attorney General)

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AUG 10 2026  
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ABC Mobile Auto & RV Repair  
516 Piedmont Avenue  
Myrtle Beach, South Carolina 29577

I further certify that the original Notice of Appeal has been filed with the Clerk of Court for Horry County, Court of Common Pleas, P.O. Box 677, Conway, South Carolina 29528-0677, and that a copy has been filed with the Clerk of the South Carolina Court of Appeals, together with a copy of the order appealed from and this Proof of Service, as required by Rule 203, SCACR.

A handwritten signature in blue ink, appearing to be 'TH' with a horizontal line above it.

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Thomas Edward Humphrey, *In Propria Persona*  
Dated: August 5, 2026

Thomas Humphrey  
107 Middlesex Rd Apt 5  
Waltham MA 02452

CERTIFIED MAIL®



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P.O. Box 11629  
Columbia, SC ~~29112~~  
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