

The state of South Carolina
In the Court of appeals

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AUG 21 2026
SC Court of Appeals

Michael Thomas
Appellant,

v.

SCDC

Respondant,

Doc No: 26-ALS-04-0276-AP

Grievance No: MCL 0066-26

Ex Parte motion to Alter or Amend
and for reconsideration with
memorandum of law in support.

Motion

The plaintiff, Michael Thomas (Plaintiff) hereby moves, pursuant to Rule 54(c) SCRPC, to alter and amend and for reconsideration of this Court's order requiring a full filing fee in the above captioned Appeal. (Exhibit 1, letter from chief Deputy Clerk "Catherine S. Harrison") filed Aug. 3, 2026. Plaintiff received notice of this entry of the letter by mail on Aug 6, 2026, which is requiring a full filing fee of \$250.00. or this case will be dismissed.

Plaintiff bases this motion on the grounds that in the order to be reconsidered this Court erred by denying Plaintiff to proceed in the Court of appeals for specific grounds for this motion, Plaintiff relies on the issues raised in the memorandum in support to this motion.

Wherefore Plaintiff prays that this Court alter it's order denying his appeal to proceed in the Court of appeals, reconsider that order and amend that order to grant plaintiff's leave to proceed in the Court of appeals.

Facts:

Plaintiff filed a Request to staff member (RTSM) on Jan 6, 2026 asking to access the law library Cause he had an open case. Security responded on Jan 26, 2026 denying that access. Appellant then follow this response with a step 1 Grievance on Jan 28, 2026 which was denied by the warden of his institution on Mar, 2, 2026 Plaintiff then filed a step 2 Grievance on March 5, 2026 which was also denied. Appellant then appealed that decision. on June 4, 2026 appellant filed his initial brief. on June ~~23~~²³, 2026 the Department filed a motion to dismiss (motion) asserting that appellant's Claims do not implicate a state created liberty or property interest. appellant received this order by mail on July 9, 2026 Appellant then ~~not~~ wrote an opposition on July 9, 2026 The Judge Honorable Crystal M. Rookard filed order of Dismissal on July 10, 2026. which Appellant received July 15, 2026. Appellant then appealed this decision with the South Carolina Court of appeals. This Court is requesting a full filing fee of \$250.00. or this Case will be dismissed.

Argument

I. The Purpose for a motion under Rule 54(e) SCRPC

A motion under rule 54(e) SCRPC serves two purposes. First the motion must be made to preserve for appellant review arguments of the moving party's that were made to the trial

Court but were not explicitly addressed in the trial court's order. Elam v. SC Det, 361 S.C. 9, 602 S.W.2d 772(2004). Second, the motion may be made to convince the trial court to reconsider the result reached in its order and rule in favor of the moving party. Elam, supra. Plaintiff makes his Rule 59(c) SCRPC motion for both purposes.

II. This Court should alter the subject order, to Rule in favor of Plaintiff's motion to proceed.

§ 1-23-670. Filing fees.

Currentness:

Each request for a Contested Case hearing, notice of appeal, or request for injunctive relief before the Administrative Law Court must be accompanied by a filing fee equal to that charged in Circuit Court for filing a summons and complaint, unless another filing fee schedule is established by rules promulgated by the Administrative Law Court, subject to review as in the manner of rules of procedure promulgated by the supreme court pursuant to article V of the Constitution of this state. This fee must be ~~retained~~ retained by the Administrative Law Court in order to help defray the costs of the proceedings. No filing fee is required in the administrative appeals by inmates from final decisions of the Department of Corrections or the Department of Probation, Parole and Pardon Services. However, if an inmate files three administrative appeals during a calendar year, then each subsequent filing during that year must be accompanied by a twenty-five dollar filing fee. If the presiding

Administrative law Judge determines at the conclusion of the proceeding that the case was frivolous or taken solely for the purpose of delay.

S.C. Code Ann. § 1-23-670.

The procedural rules for filing an appeal in the ALC makes clear that an appeal will not be filed if the required filing fee is not submitted. see SC. Admin. Law Ct. R. 71(A) ("A case will not be assigned to and Administrative Law Judge and will not be processed until the filing fee has been paid or a waiver has been granted pursuant to Rule 71(B).")

However appellant was allowed to appeal SCDC final decision in the Grievance process and was assigned a case # 26-ALJ-04-0276-AP, and went the whole process because this is appellant first appeal with the ALC this calendar year of 2026. so how is it that this court is asking me for a \$250.00. dollar filing fee when, § 1-23-670. Filing Fees, states: (if an inmate files three administrative appeals during a calendar year, then each subsequent filing during that year must be accompanied by a twenty-five dollar filing fee.)

(s) Michael Thomas
Michael Thomas

Aug 8, 2026

Sworn to before me this

_____ day of _____
Notary of the Public

_____ my commission expires: _____

Conclusion

This Court should reconsider its decision and enter an amended order granting plaintiff's motion to Proceed.

Michael Thomas

Michael Thomas 329390

Aug 8, 2026

Sworn to before me this
11th day of August
notary of the public
2026 Lakisha D. Gray
my commission expires:
01/13/30

