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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

THOMAS J. RODE, CIRCUIT COURT JUDGE

Case No.: 2026-001779

BRANDON MYERS, Appellant, v. MIDLAND CREDIT MANAGEMENT, INC., Respondent.	)	APPELLANT'S MOTION TO RECONSIDER OR MODIFY ORDER DENYING IN FORMA PAUPERIS STATUS & MOTION TO STAY OR EXTEND FILING-FEE DEADLINE

APPELLANT'S MOTION TO RECONSIDER OR MODIFY ORDER DENYING IN FORMA PAUPERIS STATUS AND MOTION TO STAY OR EXTEND FILING-FEE DEADLINE

Bakha El, Ex. Rel: Brandon Myers, appearing pro se, respectfully moves this Court to reconsider or modify its September 17, 2026 Order denying Appellant's request to proceed in forma pauperis pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).

Alternatively, and independently of the requested reconsideration, Appellant respectfully requests that the Court stay or extend the fifteen-day deadline for payment of the appellate filing fee while this motion is considered.

This motion does not seek exemption from reasonable rules governing appellate proceedings merely because Appellant is dissatisfied with the judgment below. Rather, Appellant respectfully presents the narrower question whether the constitutional exception expressly recognized in *Ex parte Martin* applies where an indigent civil defendant, involuntarily brought before the courts and subjected to an enforceable monetary judgment, is financially unable to obtain appellate review of alleged errors in the proceedings producing that judgment.

I. THE SEPTEMBER 17, 2026 ORDER

On September 17, 2026, this Court entered an Order providing:

> "The motion to proceed in forma pauperis is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen (15) days of the date of this order."

Appellant respectfully submits that his inability to pay the filing fee is genuine and is supported by the financial information previously submitted to the Court.

Appellant further submits that his request presents a constitutional question falling within the exception expressly recognized by *Martin* and therefore respectfully requests reconsideration or modification of the September 17 Order.

II. EX PARTE MARTIN EXPRESSLY RECOGNIZES A CONSTITUTIONAL EXCEPTION

In *Ex parte Martin*, the Supreme Court of South Carolina held:

> "[I]n the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions."

321 S.C. at 535, 471 S.E.2d at 134-35.

Thus, *Martin* does not establish an absolute prohibition against in forma pauperis status in civil proceedings. Rather, it expressly recognizes that constitutional provisions may require access notwithstanding inability to pay.

The Supreme Court further recognized that where certain fundamental rights are involved, constitutional protections require that an indigent person be permitted access to the courts.

Appellant respectfully requests consideration of his application under this constitutional component of *Martin*.

III. ARTICLE I, SECTION 9 OF THE SOUTH CAROLINA CONSTITUTION EXPRESSLY PROTECTS THE CIVIL JUDICIAL REMEDY

Article I, Section 9 of the South Carolina Constitution provides:

> "All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained."

South Carolina authority establishes that this guarantee concerns civil remedies. *State v. Lagerquist*, 254 S.C. 501, 176 S.E.2d 141 (1970).

More importantly for the present proceeding, the Supreme Court has expressly held:

> "We hold the right to a speedy remedy includes the right to a speedy appeal."

Maner v. Maner, 278 S.C. 377, 296 S.E.2d 533 (1982).

Thus, Article I, Section 9 is not confined solely to commencement of a civil action in a trial court. South Carolina's Supreme Court has recognized that its protection extends to the civil appellate remedy.

Appellant does not contend that Article I, Section 9 prohibits reasonable procedural regulation of appeals. Appellant instead respectfully submits that a materially different constitutional question exists when a financial prerequisite operates, because of demonstrated indigency, as a complete barrier to an existing civil appellate remedy.

IV. APPELLANT'S POSTURE IS MATERIALLY DIFFERENT FROM THAT OF A PARTY VOLUNTARILY SEEKING AN ECONOMIC BENEFIT FROM THE COURTS

Appellant did not initiate the underlying civil litigation.

Respondent invoked the judicial power of the State against Appellant and sought entry of an enforceable monetary judgment against him. The circuit court ultimately entered judgment against Appellant.

Appellant thereafter exercised the appellate procedure established by South Carolina for review of that judgment.

Accordingly, Appellant is not an indigent plaintiff seeking public financing of litigation voluntarily initiated to obtain an economic benefit. He is a civil defendant against whom the State's judicial machinery has already been invoked and an enforceable judgment entered.

Appellant seeks appellate review of alleged procedural and legal errors affecting the validity of the proceedings that produced that judgment.

The question presented is therefore narrow:

Whether an indigent civil defendant, involuntarily subjected to judicial proceedings resulting in an enforceable judgment affecting his property, may be completely foreclosed from appellate review of alleged errors in those proceedings solely because he is financially unable to pay the appellate filing fee.

Appellant respectfully submits that this posture warrants consideration under the constitutional exception expressly preserved by *Ex parte Martin*.

V. SOUTH CAROLINA RECOGNIZES THE CIVIL APPELLATE REMEDY AS WITHIN ARTICLE I, SECTION 9

The significance of *Maner* is particularly substantial here.

There, the Supreme Court considered Article I, Section 9 in the context of pending appeals and expressly held that the constitutional right to a speedy remedy includes a right to a speedy appeal.

278 S.C. 377, 296 S.E.2d 533.

Similarly, *Lagerquist* explained that the Article I, Section 9 remedy concerns civil redress for impairment of rights of person or property.

254 S.C. 501, 176 S.E.2d 141.

The judgment from which Appellant presently appeals imposes monetary liability against him and therefore directly affects his property interests.

Appellant respectfully submits that these authorities warrant consideration of Article I, Section 9 independently and in conjunction with the constitutional exception recognized by *Martin*.

VI. APPELLANT DOES NOT ASK THE COURT TO HOLD THAT EVERY INDIGENT CIVIL LITIGANT IS ENTITLED TO FREE APPELLATE REVIEW

Appellant recognizes that *Martin* does not create a general right to waiver of filing fees merely upon a showing of indigency.

Likewise, Appellant does not contend that Article I, Section 9 eliminates reasonable filing requirements or procedural rules.

Instead, Appellant asks the Court to consider the materially narrower circumstances presented here:

1. Appellant was brought involuntarily into the underlying civil proceeding as a defendant;
2. Judicial power was exercised to enter an enforceable monetary judgment against him;
3. Appellant seeks review through the appellate mechanism established by South Carolina law;
4. Appellant has submitted evidence of his inability to pay the required appellate filing fee; and
5. Absent relief, financial inability alone will prevent appellate review of the alleged errors producing the judgment against him.

Under these circumstances, Appellant respectfully requests application of the constitutional exception recognized in *Martin*, considered together with Article I, Section 9 and *Maner*.

VII. ALTERNATIVE REQUEST FOR STAY OR EXTENSION OF THE PAYMENT DEADLINE

The September 17, 2026 Order requires payment within fifteen days.

Appellant respectfully requests that, regardless of the Court's ultimate disposition of the foregoing constitutional question, the Court stay or extend that payment deadline while this motion is under consideration.

Appellant makes this request because the filing of the present motion should not inadvertently result in dismissal of the underlying appeal before the Court has had an opportunity to determine whether relief from the filing-fee requirement is available.

Accordingly, Appellant specifically requests an Order:

1. staying the September 17, 2026 fifteen-day payment deadline pending disposition of this motion; or

2. alternatively, extending the deadline until a reasonable period after disposition of this motion should the Court ultimately require payment.

This alternative relief would preserve the existing appeal while permitting orderly consideration of the question presented.

VIII. REQUEST FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

A. reconsider or modify its September 17, 2026 Order denying Appellant leave to proceed in forma pauperis;

B. determine that Appellant may proceed without payment of the appellate filing fee under the constitutional exception recognized in *Ex parte Martin*, considered together with Article I, Section 9 of the South Carolina Constitution;

C. alternatively, stay the fifteen-day filing-fee deadline pending disposition of this motion;

D. alternatively, extend the filing-fee deadline for a reasonable period following the Court's disposition of this motion so that Appellant's underlying appeal is not dismissed while the present request remains unresolved; and

E. grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Bakha El, Ex. Rel: BRANDON MYERS

Date: September 21, 2026

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BRANDON MYERS, Appellant, v. MIDLAND CREDIT MANAGEMENT, INC., Respondent.	)	PROOF OF SERVICE: MOTION TO RECONSIDER OR MODIFY ORDER DENYING IN FORMA PAUPERIS STATUS AND MOTION TO STAY OR EXTEND FILING FEE DEADLINE Case No.: 2026-001779

Proof of Service

I hereby certify that I have served a true and correct copy of the foregoing Appellant's Motion to Reconsider or Modify Order Denying In Forma Pauperis Status and Motion to Stay or Extend Filing-Fee Deadline upon counsel for Respondent Midland Credit Management, Inc., by United States Mail and email, addressed as follows:

Clarkson & Hale, LLC
P.O. Box 287
Columbia, SC 29202
wylie.clarkson@clarksonlawllc.com

this 21st day of September, 2026.

a.r.r.
_____
Bakha El, Real Party in Interest
Ex. Rel: Brandon Myers
c/o PO BOX 22591
Charleston, South Carolina [29413]