

The South Carolina Court of Appeals

Herbert Alonzo Robinson, Appellant,

v.

Charleston Police Department, Respondent.

Appellate Case No. 2013-000948

ORDER

On August 9, 2013, this court issued an order denying Appellant's motion to proceed *in forma pauperis* and requiring Appellant to pay the \$100 filing fee within fifteen days. *See Lakes v. State*, 333 S.C. 382, 385, 510 S.E.2d 228, 230 (Ct. App. 1998) ("Unless a statutory provision allows waiver of filing fees, motions to proceed *in forma pauperis* may only be granted where specifically authorized or required by law."). Respondent filed a motion to dismiss, contending this appeal should be dismissed because of Appellant's failure to pay the filing fee. On November 11, 2013, this court granted Respondent's motion to dismiss because Appellant failed to pay the \$100 filing fee pursuant to the South Carolina Appellate Court Rules and this court's August 9, 2013 order. *See Rule 203(d)(3), SCACR* ("If the notice of appeal is not timely filed or the filing fee is not paid in full, the appeal shall be dismissed").

On December 2, 2013, Appellant filed a motion captioned "Petition for Rehearing / or Reinstatement." In his motion, Appellant states he cannot pay the \$100 filing fee in full but can "hav[e] his prison account debited to make partial payments." After careful consideration, this court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing or reinstating the appeal. *See Martin v. S.C. Dep't of Corr.*, 350 S.C. 196, 197-98, 565 S.E.2d 756, 757 (2001) (stating "the institution of a payment plan in order to finance filing fees is intended only for use at the trial court level. . . . [and] is not applicable to filing fees incurred at either the [s]upreme [c]ourt or the [c]ourt of [a]ppeals").

H Bruce Willes J.

John D. Jeter J.

Joselyn W. Curator A.J.

Columbia, South Carolina

cc: Herbert Alonzo Robinson, 298364
Gordon Wade Cooper
Deborah Harrison Sheffield

FILED

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