

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Docket No. 14-ALJ-04-0140-AP

Grievance No. ECI 1456-13

Honorable Deborah Brooks Durden, Judge

Jimmy D. Meggs Jr.,Appellant,

vs.

South Carolina Department of Corrections, ...Respondent.

MOTION TO PROCEED
IN FORMA PAUPERIS

STANDARD

The Court has the right to determine whether an inmate is being deprived of a State Created Right or Liberty Interest granted to him by a rule, Statute or regulation promulgated by the Government Meachum v. Fano 96 S.Ct. 2532. Further, an inmate can claim Due process violation if he can show deprivation of a protected liberty interest, such interest are generally limited to (a) Those actions that unexpectedly alter the inmate's term of imprisonment, and (b) those actions that impose an atypical and

significant hardship in relation to the ordinary incidents of prison life Sandin v. Conner 115 S.Ct. 2293 (1995)

STATUTORY PROVISIONS

South Carolina Code provides in at least four statutes giving prisoners protected liberty interest by charging the state with the humane treatment ² as described in the Declaration of policy (§ 24-1-20). Further, South Carolina Statute provides for the management and control of prison system that the Department of Corrections has a duty to provide "Proper Care ³" along with feeding, clothing and management of the prisoner. This Statutory language would provide this inmate with further protections as to the charge of the South Carolina Department of Corrections.

Therefore, the Department of Corrections receives its authority from the South Carolina Code of Laws that specify in § 24-1-140, That the Director shall have power to prescribe reasonable rules and regulations governing the humane treatment ⁴ in part. lastly, South Carolina further grants powers and provides protections from such that the Department of Corrections "shall" not make any discrimination in the treatment of prisoners placed in their custody, ⁵ and the law provides criminal penalty for the violation of such. In short, There is statute that provides for the authority but also there is Statutory language to provide protections from such charging of co-pays where the statute plainly states prior to 2010.

As South Carolina Code (§ 24-13-80) Changed in 2010 to allow the Department by State Statute to charge co-pays and hold that "Deficiency" until an inmate receives money. However, The Department of Corrections has been doing this since 2004, and at that time the South Carolina Statute (§24-13-80) did not allow for such deduction from an inmates account, if at the time of "request" the inmate had less than five dollars in his account. There is a clear State created liberty interest involved and a Property Interest in this case, And I am requesting to be allowed to proceed without prepayment of cost on this appeal.

Respectfully Submitting,



Jimmy D. Meggs Jr.

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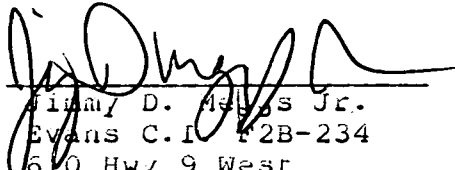
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PROOF OF SERVICE

I Jimmy D. Meggs Jr., do certify that I have served a copy of my Notice of Appeal from the March 9th 2014 Order of Dismissal, that was received by me on March, 10 2014 on the Respondent's Counsel of record: South Carolina Department of Corrections, Post Office Box 21787 Columbia, SC 29221-1787, and, South Carolina Administrative Law Court, 1205 Pendleton St., Suite 224, Columbia, SC 29201 by depositing the same in the United States Mail Postage prepaid This:

11th Day of March, 2014.


Jimmy D. Meggs Jr.
Evans C.I. #2B-234
610 Hwy 9 West
Bennettsville, SC 29512

- notice of appeal
- order of Dismissal From ALC
- motion to proceed In Forma Pauperis

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MAR 12 2014
SC Court of Appeals