

THE SOUTH CAROLINA COURT OF APPEALS

*State of South Carolina  
County of Richland*

EMMANUEL MCFADDEN #124011 )

2013CD2805  
C/A NO: ~~2013001905~~

V. )

DEPARTMENT OF PROBATION )  
PAROLE & PARDON SERVICES, )  
DEFENDANT )

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SC Court of Appeals

FED. R. CIV. PROC. 60(a). MOTION TO RECONSIDER "IFP" STATUS

To: Chief Justice Kaye G. Hearn

The plaintiff, Emmanuel McFadden #124011, now moves this Honorable Court on a motion for Reconsideration from the denial of Plaintiff's right to proceed *In Forma Pauperis* (IFP) and states as follows:

Plaintiff is an indigent state prisoner, housed at Turbeville Correctional Institution (TCI) in Clarendon County Turbeville S.C., requesting of this court his right to proceed (IFP). The United States Supreme Court in Douglas V. Peoples of State of California, 372 U.S. 355, 83.ct.814 (1963) states that it is unconstitutional to deny a plaintiff access to court on the grounds that he is a "poor person" (28 U.S.C.A. § 1915.et.seq.) and can not pay the filing fees. The United States Supreme Court states that constitutes discrimination between the poor and the rich and deprives the plaintiff of his Constitutional Rights 1,5,6,9 and 14 to access the courts without due process and equal protections of the law. And the Supreme Court has made clear in Elrod V. Burns 427 U.S. 347,373 (1976) that the infringement of a prisoner's First Amendment right to court access for even a minimum amount of times constitutes not only a legal injury but an "irreparable injury."

The Equal Protection Clause of Constitutional amendments 5 & 14 at its core prohibits the disparate treatment of similarly situated individuals as stated in City of Cleburne, 427 U.S. at 439; and Pylar V. Doe, 456 U.S. 202, 216 (1982). Equal Protections Clause embodies a general rule that states must treat like cases alike. As held Valco V. Quill, 521 U.S. 793, 799 (1997) and on June 19, 1997 the Supreme Court entered the following order pursuant to article V. § 4. of the South Carolina Constitution.

it is ordered that upon the filing of a post-trial motion under rule 50, 52, 59 and 60(a) SCRCP by a party in a jury or non-jury action the party shall within ten (10) days provide a copy of the motion to the trial judge.

Wherefore after fully addressing the order requesting payment of a filing fee in this action before this Court. Plaintiff appeals to the Chief Judge. Plaintiff prays for an order granting plaintiff his right by law to proceed "IFP."

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RESPECTFULLY SUBMITTED,

*Emmanuel McFadden*  
pro se # 124011

State of South Carolina  
County of Pickland

In the Court of Common Pleas  
5<sup>th</sup> Judicial Circuit

Emmanuel M<sup>e</sup>. Fadden  
appellant,

Case No# 2013-002805.

v.  
South Carolina, Department  
of Probation, Pardon and  
Parole Service,  
Respondent,

Applications to Proceed  
in Forma Pauperis.

I, Emmanuel M<sup>e</sup>. Fadden, am the applicant  
in the above captioned in this case.

In support of my Request to Proceed without being  
Required to pre-pay and fees or costs.

I, state that because of my indigent status, I am  
unable to pay the costs of said proceedings or to give  
any security therefore.

Respectfully Submitted  
Emmanuel M<sup>e</sup>. Fadden

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The State of South Carolina Court of Appeals  
In the Court of Appeal

Emmanuel M. Laddan appellant

CASE NO # 2013-002805

South Carolina Parole V.  
and Probation, Pardon Respondent

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FEB 21 2014

SC Court of Appeals

Proof of Service

I, certify that I have served the  
Fed. R. Civ. Proc 60(a) Motion to Reconsider  
"LFP" status on the clerk of court, and  
the Respondent, and the clerk of court  
administrative Law Court by depositing a  
copy of it in the united states mail postage  
prepaid on Feb 2014 addressed to the Respondent and  
also clerk of court P.O. Box 11629 Columbia SC 29211,  
Parole and Pardon P.O. Box 50600 Columbia SC 29250  
clerk of court administrative court 1205  
Pendleton St Columbia SC 29201

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*Emmanuel M. Laddan*  
FILE # 124011