

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
No. 2013-001825

RECEIVED

JUN 06 2014

SC Court of Appeals

Oscar Z. Sorcia,

Appellant,

vs.

Brady Mathis; and

Palmetto Surety Cor.,

Respondent.

**REQUEST FOR LEAVE AND APPLICATION
TO PROCEED IN FORMA PAUPERIS OR IN THE
ALTERNATIVE APPOINTMENT OF DE FACTO GUARDIAN AD LITEM**

Come the Appellant in the above captioned matter being first duly sworn deposes and states that the following is true and correct to the best of my knowledge.

That I am the Appellant in this matter, and I believe by law I am entitled to the relief sought by this action. That due to the fact of my incarceration I am unable to provide the cost of filing fees on the necessary motions to perfect this appeal.

Further the fact that I am incarcerated and in unable to earn an income presents extraordinary circumstances where this honorable Court may relieve a party from paying the required filing fee on necessary motions needed to perfect the appeal.¹


1. (SCACR) Rule 240 (d)(Last sentence) "In extraordinary cases, the Appellate Court may relieve a party from paying the filing fee."

Consequently, it would be prejudicial for this Court to not protect Appellant's right of access to this court under the circumstances, due to an inability to pay a insignificant fee for a simple motion for an extension of time; which intern can result in an interlocutory order dismissing the entire appeal and thereby causing irreparable injury, such as denial of due process and equal protection of the laws.

Wherefore, Appellant respectfully request that the filing fees for any [necessary] motion be and the same deferred until final decision on appeal, pursuant to Rule 222 (SCACR), and Appellant be allowed to preceed In Forma Pauperis without prepayment; [or] in the alternate, Appellant respectfully ask this honorable Court to appoint a de facto Guardian ad Litem,² who can assist appellant in timely and properly prepare the necessary documents this Court requires.

This 02 day of June 2014.
At Allendale County, S.C.

Respectfully Requested

S/ 

Mr. Oscar Z. Sorcia, 338247
A.C.I. F3-B36
P.O. Box 1151
Fairfax, S.C. 29827

Pro-Se Appellant


2. South Carolina Appellate Court Rules (SCACR) Rule 265 (b) -- If a party to an appeal... becomes incompetent, the appellate court may, upon motion or on its own initiative, order substitution of the proper parties or remand the case to the trial court for the substitution of the proper parties as provided by Rule 25, SCRCP. See also, Rule 17 (d) SCRCP and Ex Parte Foster (S.C. 2002) 350 S.C. 238, 565 S.E.2d 290.

CERTIFICATE OF SERVICE

I Oscar Z. Sorcia, do certify that I have this day served on the attorney for the Respondent a copy of a "Request for leave and application to proceed In Forma Pauperis or in alternative appointment of De Facto Guardian ad Litem" by depositing the same in the U.S. Mail postage prepaid to the following address:

FAYSSOUX LAW FIRM, PA
Paul S. Landis, Esq.
209 E. Washington St.
Greenville, S.C. 29601

This 02 day of June 2014.
At Allendale County, S.C.

S/ 
Mr. Oscar Z. Sorcia, 338247
A.C.I. F3-B36
P.O. box 1151
Fairfax, S.C. 29827

Pro-Se Appellant

Hon. Jenny A. Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Mr. Oscar Z. Sorcia, 338247
A.C.I. F3-B36
P.O. Box 1151
Fairfax, S.C. 29827

June 1, 2014.

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RE: Oscar Z. Sorcia v. Brady Mathis, et al., 2013-001825

SC Court of Appeals

Dear Mrs. Kitchings,

Please find enclosed an original of a request for leave and application to proceed in forma pauperis or in the alternative appointment of a de facto Guardian ad Litem, for filing in your office.

Mrs. Kitchings, this letter is response to your recent correspondence dated May 22, 2014, in which you noted a deficiency in my last motion filed e.g. Request for an extension of time. You also ask that I correct the deficiency by submitting the required filing fee of \$25.00.

Mrs. Kitchings, I am indigent, in prison and have no means of income to pay such fees. Further, this Court imposed an extraordinary burden on me to file an amended brief to which there are no printing machines here at the prison, they will not copy our documents. They have to be sent out to a family member or friends to reproduced, bond, sent back into prison and then mailed to the court.

I truly believe that if the Court places such burdeas on prisoners, the least consideration would be to at least allow time to comply with the order of the court without additional cost.

Please forward my request to the Court for consideration of exception to the filing fee in this particular circumstance. Your cooperation and assistance will be greatly appreciated I thank you in advance and will await your response at your earliest convenient time.

Respectfully Requested

Cc: file
Enclosures

S/ 
Mr. Oscar Z. Sorcia, 338247