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State of South Carolina
In The Court of Appeals

Appeal from Adm. Law Court
The Hon. Carolyn C. Matthews
Docket #: 14-ALJ-04-0099-AP

S.C. Dept of Corr. ... Respondent

v.
Dion O. Taylor ... Appellant

Motion To Proceed In Forma Pauperis

Appellant moves this Court, for motion to proceed in forma pauperis, due to his indigency & issues contained w/in memorandum of law & to grant waiver fee to file motion for said reasons.

Memorandum of Law

The Appellant appeals from the decision of the Adm. Law Court, wherein he accrued loss of (9) nine days of good time, so a state-created liberty interest is at issue, so it's necessary to discover if prisoner received full due process of law. The Al-SHABAZZ court found that an inmate had a protected liberty interest due to loss of sentence related credits & was therefore entitled to review by the Adm. Law Court & thereby the judicial branch. 338 S.C. at 382, 527 S.E.2d at 757. The S.Ct. in Wolff v. McDonnell, 418 U.S. 539, 563-72 (1974), enunciated the min. due process afforded to prisoners for serious misconduct infractions, & disc. hearing matters, Appellant claims he didn't receive full principle of due process at hearing, as the disc. hearing offc. wasn't impartial, decision was arbitrary & because his substantial rights were prejudiced, because the decision was clearly erroneous in view of the sub. evd. on the record. see S.C. Code Ann. § 1-23-380(5) (Supp. 2013) see also Manietta Garage Inc., v. S.C. Dept of Pub Safety, 337 S.C. 133, 522 S.E.2d 605 (Ct App. 1999). The const. prov. (procedural & substantive due process) are at issue in this case & by law this motion should be granted for the const. implications. Another const. dynamic is at issue, as the result of the disc. hearing offc.'s lack of impartiality & arbitrariness, clearly erroneous finding & error of law, Appellant has suffered from

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Atypical & significant deprivation. (See Sanclini v. Connor, 115 S.Ct 2293 (1995) ("Prisoners Retain protection from arbitrary action...").

The Appellant is an indigent prisoner & is unable to pay fees associated w/ filing of this action & to proceed w/ this appeal, w/out the court granting this motion. Lewis v. Casey, 116 S.Ct 2174 (1996) "... right to access to the courts... is found in the Due Process Clause & assures that no person will be denied the opportunity to present to judiciary allegations concerning violations of fundamental constitutional rights." (Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct 2963 4 L.Ed.2d 935 (1974) Id. at 579, 94 S.Ct at 2986. Lewis cont: "... A state may not abridge or impair a petitioner's efforts..." The Fourteenth Amend. prohibits the States from depriving any person of life, liberty or property w/out due process of law."

Ex Parte: Martin v. State, 321 S.C. 533, 471 S.E.2d 134 (1995), the Court addressed when an inmate may proceed in forma pauperis. "This Court held, in 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 recognized by const. provisions. Due to the Appellants fundamental rights being at issue, & judicial review of any decision by the Adm. Law Court shall be provided as in S.C. Code Ann. § 1-23-610 (1976), these ~~of the~~ factors mandate review by this Court. For the afore-stated reasons & the Appellants indigency, which as a prisoner, represents an extraordinary circumstance, requests the granting of this proposed motion & grant waiver of the filing fee for said motion. Appellant respectfully submits.

Dated:
10-13-14

By: Dion O. Taylor

Certificate of Service

The undersigned, Appellant certifies that on 10-13-14, he mailed to Adm. Law Court, Respondent (SCDC) & the Court (S.C.) of Appeals (w/ 6 copies) motion to proceed in forma pauperis, w/ declaration. He has done so by depositing a copy of it in the U.S. Mail, & affixing proper postage, pre-paid, & mailed to Adm. Law Court at: State of South Carolina, Administrative Law Court, Edgan A. Brown Building, 1205 Pendleton St. Suite 224, Columbia SC 29201. The same afore process declaration was executed & mailed to Respondent at: Office of General Counsel, S.C. Dept of Corrections, P.O. Box 21787/4444

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Bronel River Rd, Columbia SC 29221-1787. Emailed to S.C. Court of
Appeals at: S.C. Court of Appeals, Jenny Abbott Kitchens - Clerk, P.O.
Box 11629, Columbia SC 29211.

Dated:
10-13-14

By: Dion O. Taylor
#335089-SHW 224-A
Allendale Correctional Institution
P.O. Box 1151
Fairfax SC 29827