

The South Carolina Court of Appeals

Phillip Morgenroth #306166, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-212275

ORDER

Appellant has filed a motion with this Court, which we construe as a motion to proceed *in forma pauperis*. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Appellant has the burden of showing his entitlement to this relief, but he has not done so. Accordingly, Appellant's motion is denied. Appellant has fifteen days from the filing date of this order to provide this Court with the \$100 Notice of Appeal filing fee. Failure to provide the filing fee will result in the dismissal of this appeal.

Appellant has also filed a motion for a thirty-day extension to serve and file Appellant's Initial Brief and Designation of Matter. After careful consideration, Appellant's motion for an extension is granted. Appellant shall serve and file Appellant's Initial Brief and Designation of Matter within thirty days of the date of this order.


FOR THE COURT

Columbia, South Carolina

FILED

Dartu 8/30/12

cc:

Phillip Morgenroth, II, 306166

Christopher D. Florian