

STATE OF SOUTH CAROLINA

In The Court of Appeals

**RECEIVED**

APPellate Case No. 2015-002125

NOV 04 2015

SC Court of Appeals

Patrick L. Booker, Appellant,

-VS-

South Carolina Department of Social Services,  
Greenville County Sheriff's Office, Greenville County  
School District, Brandy P. Sullivan, Tammy Childs,  
Shawnee Peoples and Kelly P. Karow, Defendants,  
Of Whom South Carolina Department of Social Services  
and Kelly P. Karow are the Respondents.

Motion to Proceed Informa Pauperis

COMES NOW the Appellant who hereby moves this Honorable Court to allow him to proceed without prepayment of the filing fee in this matter due to Appellant's indigency. The Appellant states this matter raises very important issues including, but not limited to, violation of Appellant's right to communicate or associate with his minor child under South Carolina Constitution. It should be noted that the Appellant was granted permission to proceed without prepayment of fees and costs in the lower court due to Appellant's indigency.

The Appellant will direct this Court's attention to the fact that were it to permit Appellant to proceed without

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prepayment of the filing fee, the Court will likely thereupon remand the case to the lower court with instructions for the lower court to "set out facts sufficient to permit meaningful appellate review" because:

- The trial court's summary judgment<sup>order</sup> is completely devoid of any of the facts which the trial judge found relevant, determinative of the issues, and undisputed. See Order dated July 2, 2015, which is attached hereto as Exhibit B.
- The Appellant filed a Rule 59(e) motion in which he alerted the trial judge that his summary judgment order was insufficient, in violation of this Court's precedent. See Motion to Reconsider or in the Alternative to Amend or Alter dated July 13, 2015, which is attached hereto as Exhibit C.
- The trial court judge reviewed the Appellant's motion to reconsider/to alter or amend, and still refused to bring his summary judgment order into compliance with this Court's precedent. See Form Order dated September 4, 2015, which is attached hereto as Exhibit D.

Whereas the attached exhibits demonstrates the summary judgment<sup>order</sup> is insufficient to permit meaningful

appellate review, this Court should grant this motion and there-  
upon immediately ~~and~~ enter an order remanding this matter  
to the lower court directing that court bring its summary  
judgment <sup>order</sup> into compliance with the principles established by  
this Court in B & B Liquors, Inc. vs. O'Neil, 603 S.E.2d 629 (S.C.  
App. 2004) and in Bowen vs. Lee Process Systems Co., 536  
S.E.2d 86 (S.C. App. 2000).

Alternatively, if the Court deny the Appellant's motion  
to proceed inform a pauperis, the Appellant hereby requests this  
Court to enter a order giving him thirty (30) days from the date  
of the order to pay the filing fee. The Appellant will then ask  
his family (mother or sisters) to pay the \$100.00 filing fee on  
his behalf.

WHEREFORE, having made the foregoing motion and request,  
the Appellant respectfully request this Honorable Court to  
grant him leave to proceed inform a pauperis or, alternatively,  
to grant him thirty (30) days in which to pay the filing fee.

October 24, 2015,  
McCormick, S.C.

BY: Patrick L. Booker  
Mr. Patrick L. Booker, 297590  
McCormick Correctional Inst.  
386 Redemption Way  
McCormick, S.C. 29899

= Proof of Service =

I do hereby certify that I served the foregoing upon the SCDSS  
and Kelly P. Karow this date (10/\_\_\_/2015) by depositing copy of same in  
the U.S. Mail, postage prepaid, addressed to: Russell W. Harter, Jr., Esq., P.O. Box  
10224, Greenville, S.C. 29603; and Paul L. Agnew, Esq., P.O. Box 98, Abbeville, S.C.

Patrick L. Booker  
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