

THE SOUTH CAROLINA COURT OF APPEALS

Ronnie Joe VanZant, Appellant,

v

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SEP 02 2016

SC Court of Appeals

Carolina Center for Occupational Health (CCOH);
CEO Doctor Barry Weissglass; Doctor Theodolph
Jacobs; Director of Nursing Dawn Frazier; and
Physician Assistant Karen Huffman, Respondent(s).

Appellate Case No. 2016-001388

APPELLANT OBJECTION AND REQUEST FOR REHEARING

Comes now, Appellant, Ronnie J. VanZant, pro se and Objects to the Court of Appeals Order dated August 17th, 2016 denying Appellants motion to proceed in forma Pauperis on his Appeal, and Appellants "motion for an Order to waive transcript fees and cost." Appellant Request a Rehearing and states the following in support there of:

1. Appellant filed his Notice of Appeal along with his Affidavit and Motion to proceed in forma Pauperis on June 28th, 2016 received and filed by the courts on June 30th, 2016.
2. Appellant Mailed his motion to waive transcript fees and cost on July 8th 2016, along with other motions.

3. The South Carolina Court of Appeals issued an Order on August 17th, 2016 received August 20th 2016 denying Appellant's motions to proceed in Forma Pauperis on his Appeal and denying Appellant's motion for an Order to waive transcript fees and cost pursuant to Ex parte Martin, 321 S.C. 533, 471 S.E. 2d 134 (1995).

Argument

4. Appellant asserts that it is unconstitutional to deny a indigent person access to the Courts just because he ~~is~~ can not afford the fees and cost associated with court proceedings.

5. The Lower Courts allowed the Appellant to proceed in Forma Pauperis, See Exhibit, attached.

6. Justice Thomas of the Supreme Court even stated in Lewis v. Fletcher Casey Jr et al 518 U.S. 343, that it was a fundamental constitutional right that requires a state to finance or otherwise assist a prisoners effort to bring suit against the state and/or its agents. . . . as what Appellant's suit is, agents committed Corporal punishment.

7. In the Constitution, "Access to Courts" defined in the Fourteenth Amendment; meaningful "access to Courts" is the Touchstone. Where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to courts.

8. The Appellant researched the Court of Appeals case Martin, Jr. Supra and the cases in this case as to the reason why a poor person should or should not be allowed to have the Court of Appeals filing fee waived. It seems to be indistinguishable to this issue. They say only that they won't allow it. However, there is the "Fundamental right exception". Under this right, it is enshrined in the constitution requiring that an indigent be allowed access to the courts. Appellant asserts that it is a Fundamental right that an indigent person can not be denied access to courts or even equal protection of the law just because he can not afford filing fees.

9. Even the U.S. District Courts recognize this Fundamental right. A plaintiff may pursue a civil action in Federal court without prepayment of the filing fee if he submits an affidavit containing a statement of his assets and demonstrates that he cannot afford to pay the required filing fee. 28 U.S.C. § 1915 (a) (1). The purpose of the (IFP) statute is to assure that indigent persons have equal access to the judicial system by allowing them to proceed without having to pay the filing fee. Flint v Haynes, 651 F.2d 970, 973 (4th Cir. 1981). A plaintiff does not have to prove that he is "absolutely destitute to enjoy the benefit of the statute." Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 339, 69 S.Ct. 85, 93 L.Ed. 43 (1948) See also Tarres v. O'Quinn, 612 F.3d 237, 252 (4th Cir 2010). A court must review a law that infringes on a fundamental right under a standard of strict scrutiny.

10. Relief Sought:

Appellant ask this Honorable Court to reverse its decision dated Aug. 17th 2016 and allow Plaintiff to file his Appeal in Forma Pauperis. In the alternative, give or issue a stay in these proceedings to allow Appellant to submit a Writ of Certiorari to the Supreme Court, Or any other reliefs this Court deems appropriate.

11. The Appellant now ask this Honorable Court to liberally construe his pro se documents, Estelle v. Gamble, 429 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 251 (1976), holding him to a less stringent standard than those drafted by attorneys, Hughes v. Rowe, 449 U.S. 5, 101 S. Ct 173 66 L. Ed. 2d 163 (1980). The requirement of liberal construction does not mean that the court can ignore a clear failure in the pleading to allege facts which set forth a claim currently cognizable in a federal court. Weller v. Dep't of Soc. Servs., 901 F.2d 387 (4th Cir 1990).

WHEREFORE, the Appellant now prays upon this court for the relief sought.

Respectfully Submitted: Ronnie J. VanZant
Ronnie J. VanZant, prose

August 25th 2016

* CERTIFICATE OF SERVICE *

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been placed in a correctional officers hand to be mailed first class u.s. mail on this 25th day of August 2016 to the following:

G. Wade Cooper, Esq

P.O. Box 2424

mt Pleasant, SC 29465

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SC Court of Appeals

Respectfully: Ronnie J. VanZant
Ronnie J. VanZant, pro se
3841 Leeds Ave
N. Char. SC 29405

JULIE J. ARMSTRONG

CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258

RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

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RÖNNIE JOE VANZANT
3841 LEEDS AVE
NORTH CHARLESTON SC 29405-7469

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SC Court of Appeals

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Order/Order Granting Motion to Proceed In Forma Pauperis

CASE NO: 2015CP1004510

Ronnie Joe VanZant VS Carolina Center for Occupational Health

This judgment was entered on the 01th day of September, 2015, and notice mailed first class on Thursday, September 03, 2015, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

8-25-16

Ronnie Joe Van Zant
3941 Leeds Avenue
N. Charleston SC 29405

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

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SC Court of Appeals

RE: Van Zant vs. CCOH, et. al.
Appellate Case No.: 2016-001388

Dear Clerk,

Please find enclosed one original and six copies of Appellants objection and Request for Rehearing. Please file and forward to the appropriate judge for a ruling.

I also have a question; is it appropriate for me to send one original and six copies when filing a motion or ect...? seven in total? or six in total? or what?

Thank you in advance for your prompt and professional attention in this matter

Respectfully,
Ronnie J. Van Zant
Ronnie J. Van Zant.

8-25-2016

P.S. Appellant does have his Initial Brief and Destination of records ready to go.