

# The South Carolina Court of Appeals

Isiah James, Jr., 096883, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2018-000035

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## ORDER

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Appellant moves 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). Because the underlying order dismissed Appellant's appeal based on Appellant's failure to exhaust administrative remedies, this appeal does not implicate a fundamental right that requires waiver of the filing fee. Appellant's motion, therefore, is denied. The filing fee must be paid within fifteen days of the date of this order.

  
FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr.

Christina Catoe Bigelow, Esquire

**FILED**

February 2, 2018