

THE STATE OF SOUTH CAROLINA

In the Court of Appeals
Appellate Case No.: 2018-01751

APPEAL FROM RICHLAND COUNTY
Perry H. Gravely, Circuit Court Judge

Court of Common Pleas
Case No. 2018-CP-40-0963

Austin Woods Apartments, Respondent,
v.
Marie Assa'ad-Faltas, MD, MPH, Appellant.

RESUBMITTED/UPDATED MOTION TO PROCEED *IFP* (in compliance with deficiency letter)
Having, on 12 September 2018, filed and served *within the body of* her Notice of Appeal a motion to proceed *ifp*, and having thereafter received a deficiency letter from the Clerk of this Court, Appellant hereby resubmits her motion to proceed *in forma pauperis* on this appeal. She resubmits that leave for her to proceed *i.f.p.* based on the information filed in the Circuit Court, which has not changed substantially but remains true and based on which the Circuit Court granted Appellant leave to proceed *i.f.p.*, is needed to ensure equal protection of the laws and equal *meaningful* access to the courts.

The U.S. Supreme Court ("SCOTUS") holds that those states using appeals as integral to the adjudicative process must relieve *civil* indigent appellants of the filing and record preparation costs where the substance affects important right. *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996). Specifically in appeals from residential eviction, state may not irrationally burden a tenant appellant. *Lindsey v. Normet*, 405 U.S. 56 (1972). Shelter (with food, water and clothing) is so basic a need that it is considered a basic human right guaranteed by the international treaties to which the U.S. is signatory. So, *M.L.B.*, *supra*, would cover termination of shelter. Most courts hold that a rented home is protected by the Fourth Amendment against unreasonable searches and seizures. Search/seizure cannot be more invasive/pervasive than *total* dispossession of a tenant out of her home and the laying out of *all* her "papers and effects" on the road, all by action of the sheriff, a state agent. Such dispossession is "unreasonable" if based on an order that was never *meaningfully* reviewed on the merits on appeal.

Also, contrary to misreports of SCOTUS's view of *this* Appellant, she was allowed to file *pro se* and *ifp* a *certiorari* petition 17-8688. On the 1 October 2018 SCOTUS order list, none of the 1,200 *i.f.p.* petitions for *certiorari*, habeas, mandamus and/or prohibition was granted for plenary review; but *this* Appellant's motion to proceed *ifp* was NOT denied while sixty (60) others; *i.e.*, 5% of the total, were. In thirteen of those sixty, SCOTUS allowed the respective petitioner twenty (20) days to pay the filing fee and reprint the petition.

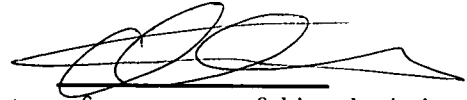
WHEREFORE, *ifp* should be granted or, if denied, Appellant should be allowed thirty (30) days to raise the filing fee. Appellant also asks that the number of required copies of the final briefs, record on appeal, and other papers. be reduced to an original and six copies to alleviate the printing costs where possible under Rule 267(f), SCACR.

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Respectfully submitted on October 2, 2018

Marie-Thérèse Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se* for purposes of this submission
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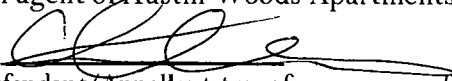


CERTIFICATE OF SERVICE OF THE RESUBMITTED/UPDATED MOTION TO PROCEED *IFP*

I certify that, on 2 October 2018, I served this RESUBMITTED/UPDATED MOTION TO PROCEED *IFP* on Respondent, Austin Woods Apartment, by hand-delivering a copy of it to Austin Woods Apartments' Rental Office located at 7648 Garners Ferry Road, Columbia, SC 29209, and there and then handing it to a person of sound age and discretion and known to me to be an agent of Austin Woods Apartments, all God-so willing.

October 2, 2018

Marie-Thérèse Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se* for purposes of this submission
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Austin Woods Apartments, Respondent,
v. Appellant,
Marie Assa'ad-Faltas, MD, MPH,

AMENDED PROOF OF SERVICE (in compliance with deficiency letter)

I certify that I had, on 12 September 2018, served the Notice of Appeal, with the motion to proceed *ifp* and the motion to appoint counsel in the same document as the Notice of Appeal, on Respondent, Austin Woods Apartment, by hand-delivering a copy of it to Austin Woods Apartments' Rental Office located at 7648 Garners Ferry Road, Columbia, SC 29209, and there and then handing it to Ms. Kim Muns, a person of sound age and discretion and known to me to be an agent of Austin Woods Apartments as the current manager of Austin Woods Apartments. I also hand-filed a copy of this Notice of Appeal with the Clerk of Richland County's Court of Common Pleas, with the motion to proceed *ifp* and the motion to appoint counsel in the same document as the Notice of Appeal, all on 12 September 2018.


October 2, 2018


Marie-Thérèse Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se* for purposes of this submission
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CERTIFICATE OF SERVICE OF THE AMENDED PROOF OF SERVICE

I certify that, on 2 October 2018, I served this AMENDED PROOF OF SERVICE on Respondent, Austin Woods Apartment, by hand-delivering a copy of it to Austin Woods Apartments' Rental Office located at 7648 Garners Ferry Road, Columbia, SC 29209, and there and then handing it to a person of sound age and discretion and known to me to be an agent of Austin Woods Apartments, all God so willing.

October 2, 2018


Marie-Thérèse Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se* for purposes of this submission
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