

October 30, 2018

Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211
Appellate Case No. 2018-001873

RECEIVED

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S.C. SUPREME COURT

Re: The Order included in this letter.

Honorable Chief Justice Donald Wayne Beatty:

Attached please find a check for \$50.00 the fee for the motion for extension of twenty days that I was required to pay after my submission for *in forma pauperis* was turned down.

Unless I can raise the money required for the filing fee, by denying allowing me to proceed *in forma pauperis* you are violating my rights to be heard under the 1st and 14th amendments of the United States Constitution due to my poverty. The issues of the petition of the writ of certiorari regard the right to due process protected by the 5th and 14th Amendments of the United States Constitution.

This ruling disallowing me *in forma pauperis* standing is effectively an exhaustion of my remedies in the state courts and forces me to pursue this matter in the federal courts at this point.

I am disabled, indigent and have no legal representation. Unless the court reconsiders its ruling of October 24, 2018, or legal aide comes to my rescue I have exhausted my remedies in the state court system.

Respectfully,


James B. Spencer

The Supreme Court of South Carolina

John R. Rakowsky, Respondent,

v.

Law Offices of Adrian L. Falgione, LLC, James Spencer,
Estate of Doris Holt, Nick Williamson, on behalf of RSC,
Irene Santacroce, Rodney Keith Lail, Marguerite
Stephens and Ricky Stephens, Michael Hartness, Horry
County, S.C., Eugene Chewing, and Glenn W. Harrison,
Defendants,

Of whom James Spencer is Petitioner.

Appellate Case No. 2018-001873

ORDER


Petitioner moves to proceed *in forma pauperis*, and for an extension of time to serve and file petition for a writ of certiorari and appendix under Rule 242 of the South Carolina Appellate Court Rules.¹

The motion to proceed *in forma pauperis* is denied. *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The time for petitioner to serve and file the petition for a writ of certiorari and appendix is extended to November 7, 2018. This extension is contingent on this Court's receipt of the \$50 filing fee which has not been paid for the motion for an extension.² If this motion filing fee is not actually received by this Court on or before October 30, 2018, the extension shall be

¹ Before the South Carolina Court of Appeals, the Appellate Case Number is 2014-002029.

² Effective for motions filed on or after October 15, 2018, the filing fee for a motion under Rule 240(d), SCACR, was increased to \$50.

revoked.



FOR THE COURT

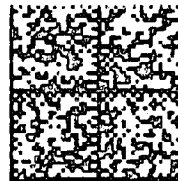
C.J.

Columbia, South Carolina
October 24, 2018

cc: Desa Ballard, Esquire
Michael Gordon Sribnick, Esquire
Jenny Abbott Kitchings, Esquire
Mr. James B. Spencer

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7001 Saint Andrews Road
Columbia, SC 29212

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