

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

H.W. Funderburk, Jr., Administrative Law Court Judge

Appellate Case No. 2018-002021

Derrick Mundine, Appellant,

v.

South Carolina Department of Social Services, Respondent.

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DEC 27 2018
SC Court of Appeals

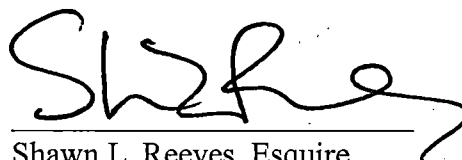
RESPONDENT'S RETURN TO APPELLANT'S
MOTION TO PROCEED *IN FORMA PAUPERIS*

Respondent South Carolina Department of Social Services hereby responds to Appellant's Motion to Proceed *In Forma Pauperis*. Appellant's motion was filed with this Court on December 14, 2018, and served on Respondent on December 17, 2018.

In this appeal from the Administrative Law Court, the Appellant seeks judicial review pursuant to the Administrative Procedures Act. However, in his motion to proceed *in forma pauperis*, Appellant cites no statutory authorization or constitutional provision supporting his motion. Further, Appellant's memorandum supporting his motion does not articulate his specific request, such as the specific filing fees Appellant requests to be waived. Respondent would note that a motion to proceed *in forma pauperis* concerns court filing fees, not a blanket ability to conduct litigation without costs such as the cost of ordering court transcripts.

“In the absence of a statutory provision allowing the general waiver of filing fees, ... motions to proceed *in forma pauperis* may only be granted where specifically authorized by statute or required by constitutional provisions.” *Martin v. State*, 321 S.C. 533, 535, 471 S.E.2d 134, 134–35 (1995). “There is no statutory provision that permits the waiver of filing fees for an appeal brought under the APA....” *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 445–46, 586 S.E.2d 124, 128 (2003).

Because Appellant cites no authority allowing him to proceed *in forma pauperis* and because the Administrative Procedure Act provides no such authority, Respondent respectfully requests that Appellant’s motion be denied.



Shawn L. Reeves, Esquire
SC Bar # 72612
P.O. Box 1520
Columbia, SC 29202
803-898-1143
Attorney for Respondent
S.C. Dept. of Social Services

December 27, 2018

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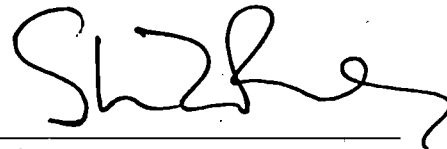
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PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Return to Motion to Proceed *In Forma Pauperis* on the following individuals by depositing a copy of it in the United States Mail, postage prepaid, on December 27, 2018, addressed to the following party/attorney of record:

Mr. Derrick Mundine
1426 Platt Springs Rd., Apt. E-4
West Columbia, SC 29169



Shawn L. Reeves, Esquire
SC Bar # 72612
P.O. Box 1520
Columbia, SC 29202
803-898-1143
Attorney for Respondent
S.C. Dept. of Social Services

December 27, 2018

DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

HENRY McMASTER, GOVERNOR
JOAN B. MEACHAM, ACTING STATE DIRECTOR



Via Hand Delivery

December 27, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Derrick Mundine v. SCDSS
Appellate Case No.: 2018-002021

Dear Ms. Kitchings:

Please find enclosed for filing the original and six copies of the Respondent's Return to Motion to Proceed *In Forma Pauperis* and the Certificate of Service.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Reeves", is written over a horizontal line.

Shawn L. Reeves
Assistant General Counsel

Enclosures

cc: Mr. Derrick Mundine

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