

The South Carolina Court of Appeals

Eddie Clay Golson, Appellant,

v.

Maryann E. Shehan, Nancy J. Skraba, Rhonda R. Fields,
Respondents.

Appellate Case No. 2018-001573

ORDER

This appeal arises out of a circuit court order denying the appellant's motion to proceed without payment of filing fees. The notice of appeal, which was filed on August 29, 2018, was not accompanied by a proof of service. After numerous attempts by the Court to obtain a proof of service, the appellant provided a proof of service showing the notice of appeal was served on October 30, 2018. Because the notice of appeal was not timely served, this appeal is dismissed.¹ *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as required by Rule 221(b) of the South Carolina Appellate Court Rules.



Columbia, South Carolina


FOR THE COURT

cc: Eddie Clay Golson, #303012
Adam L. Whitsett, Esquire

¹ Based on this disposition, the Court declines to consider the appellant's motion to proceed in forma pauperis.

FILED

January 30, 2019