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COURT OF APPEALS OF SOUTH CAROLINA
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SEP 28 2020

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM KERSHAW COUNTY
COURT OF COMMON PLEAS
JENNY ABBOT KITCHINGS, JUDGE

FILE NO.: 2020-CP28-761

[TRANSFERRED SUPREME CT APPEAL NO.: 2020-001213 10 SEPT. 2020]

State Department of Social Services-Security, et al Respondent,

Michael Alonza Rufus

Appellant

**SUPPLEMENT TO "MOTION & AFFIDAVIT TO PROCEED IN FORMA PAUPERIS
AS A NON-PRISONER"**

Michael Alonza Rufus, a "citizen" and "non-denizen" under Georgia's class legislations of O.C.G.A. § 50-2-21(a), files this application under the mandates of 28 USC § 1915 et seq in requesting to proceed in forma pauperis as follows:

Plaintiff hereby pleads that he is a "person" and "non-prisoner" under the statutory provisions of 28 USC § 1915 or any Statutes of South Carolina. See Section 24-27-140. "Prisoner" defined. Cf Section 24-27-400. Indigent persons. This chapter is inapplicable to any case in which the Constitution of the United States or the Constitution of South Carolina requires that an indigent person be allowed access to the courts.

Note 1. Rufus submission of this motion with authorities from United States Codes is under necessity and his being limited severly to South Carolina laws. Rufus is of the position that the authorities of United States associated the term "prisoner" and it's application under any Prisoner's litigation Acts are similar in nature and governed by the same principles. Thus in liberally construing these pleading Rufus is of the position that he can no be deemed a "prisoner" for purpose of the applying the special laws of any Prisoner's litigation Act. The court's of South Carolina are obligated to the authorities cited herein in determining such under the Full Faith and Credit Clause of the State and United States Constitutions.

Applicable to this position is the precedent "The courts are not at liberty to pick and choose among congressional enactments, and when two statutes are capable of coexistence, it is the duty of the courts, absent a clearly expressed congressional intention to the contrary, to regard each as effective." Morton v Mancari, 417 US 535, 550-552

Plaintiff's position of "uniformity" and not "universality" in the construction and application of the abovementioned provisions is supported by the fact that this Court's application of jurisdiction of his person is completely governed by the mandates of Georgia's class legislations under O.C.G.A. § 50-2-21(a)²

Note 2. *As courts of limited jurisdiction, the federal district courts possess no warrant to create jurisdictional law of their own. Under the Rules of Decision Act, 28 U.S.C. § 1652, they must apply state law "except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide..."* See generally *Erie R. Co. v Tompkins*, 304 US 64 (1938). Thus in the absence of a federal rule or statute establishing a federal basis for the assertion of personal jurisdiction, the personal jurisdiction of the district courts is determined in diversity cases by the law of the forum State. See, e.g., *Inter meat Inc., v American Poultry Co.*, 575 F. 2d 1017 (CA2 1978); *Wilkerson v Fortuna Corp.*, 554 F.2d 745 (CA5), cert. denied, 434 US 939 (1977); *Poyner v Erma Werme GmbH*, 618 F. 2d 1186, 1187 (CA6 1980); *Lakeside Bridge & Steel Co. v Mountain State Constr. Co.*, 597 F.2d 596 (CA 1979), cert. denied, 445 US 907 (1980); *Lakota Girl Scout Council, Inc. v Harvey Fundraising Management, Inc.*, 519 F. 2d 634 (CA8 1975); *Arrowsmith v. United Press International*, 320 F.2d 210, 226 (CA2 1963); *Forsythe v Overmyer*, 576 F. 2d 779, 782 (CA9) cert. denied, 439 US 864 (1978); *Quarles v Fuqua Industries, Inc.*, 504 F. 2d 1358 (CA10 1974).

As a result this Court's dependence on the law of Georgia to establish and exercise jurisdiction of Rufus' person - a dependence mandated by Congress under 28 USC § 1652-in this case, necessary for Rufus' individual guarantee of due process, is the same due process limitations of a State court of Georgia. See, e.g., *Forsythe v Overmyer*, 576 F. 2d 779, 782; *Washington v Norton Mfg., Inc.*, 588 F.2d 441, 445 (CA5 1979); *Fisons Ltd. v United States*, 458 F. 2d 1241, 1250 (CA7 1972). See also Full Faith and Credit Clause

Under the aforementioned authorities the provisions for "persons³," having been construed to apply only to citizens of the United States and Aliens but not to "artificial persons," See *Rowland v California's Men's Colony*, 506 US 194, 196, must be construed to apply to "citizens"-under Georgia law. The "prisoner" provision under § 1915 et seq is nothing more than Congress's class legislating and making special laws for States' class of persons recognized as "artificial persons," O.C.G.A. § 1-2-1 et seq, which would be "denizens" in this case.

NOTE 3. In construing the word "person" in context of criminal proceedings and constitutional precedent holds, in relevant part, "[T]he people' protected by the Forth Amendment, and by the First and Second Amendments, and whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or **whom have otherwise developed sufficient connection with this country to be considered part of that community**. See *United States ex rel. Turner v Williams*, 194 US 279, 292 (1904). The language of these Amendments contrasts with the words "person" and "accused" used in the Fifth and Sixth Amendments regulating procedure in criminal cases." See *United States v Verdugo-Urquidez*, 494 US 259, 265.

These authorities must be read with the clearly established precedent found in *Paul v Virginia Id* wherein an individual-Paul was adjudicated an "artificial person" in proceedings initiated and prosecuted against him in his capacity-civil status as an employee of a foreign insurance company. These principles would be applicable to individuals lawfully deemed and determined incorporated into the unincorporated association of persons made up of individuals incorporated into Social Security Administration. See 42 USC § 901.

Petitioner's present circumstances of imprisonment in Georgia's Department of Corrections is by a proceeding and judgment of the Superior Court of Baldwin County (Case no.: 2011CR0354) which is of limited jurisdiction by O.C.G.A. § 50-2-21(a). See also O.C.G.A. §§ 15-1-1 and 15-1-2. Said proceedings are coram non judge and void under the mandates for courts of limited jurisdiction as adjudicated *Boney v Bd. Of Ed. Of Telfair Co.*, 203 Ga 152, 156 because the court proceedings were conducted and concluded under an unconstitutional custom or practice of Georgia's jurisdiction and laws being "universal," contrary to the "uniformity" of § 50-2-21(a), wherein the practices of pleadings established *Boney v Bd. of Ed. of Telfair Co.*, were violated. Appellant's right of challenging the proceedings and judgment in Case no.: 2011CR0354 as coram non judge and void is grounded under the precedent A 'void' judgment is in reality no judgment at all. It is a mere nullity. It is attended by none of the consequences of a valid adjudication, nor is it entitled to the respect accorded to one. It can **neither affect, impair, nor create rights**. As to the person against whom it professes to be rendered, it binds him in no degree whatever... **As to the person in whose favor it professes to be, it places him in no better position than he occupied before; it gives him no new right, but an attempt to enforce it will place him in peril...** It is not necessary to take any steps to have it reversed, vacated, or set aside. But

whenever it is brought up against the party, he may assail it pretensions and show its worthlessness. It is supported by no presumptions and may be impeached in any action, direct or collateral." Jowers & Son et al. V Kirkpatrick Hardware Co., 21 Ga. App. 751-752.

This Court is obligated to Appellant's abovementioned pleadings under the mandates of 28 USC § 1738 and the Due Process Clauses.

Under said obligations Petitioner has the right to proceed in this matter as a "person" and "non-prisoner" under the provisions of 28 USC § 1915.

Plaintiff has \$0.00 in his inmate account.

Plaintiff's inmate trust account has been fraudulently and illegally debited for \$505.00 by Defendant Clay D. Land in his appealing a ruling in a Habeas proceeding contrary to the established law of the 11th Circuit.

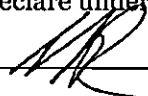
Plaintiff is also individually prosecuting, as a defendant, penal action no.: 2018CR52779 of Baldwin County Georgia Superior Court without any financial assistance as required by Constitutional law.

Plaintiff has five kids(s), two(2) being under the age of 15, for which he has the obligation to care for but is unable due to his present incarceration.

Plaintiff's preparation and submission of this suit is in good faith and belief that he is guaranteed the right to relief.

I declare under the penalty of perjury that the foregoing is true and correct.

/s/


Michael Alonza Rufus, Pro Se
Coffee Correctional Facility
P.O. Box 650
Nicholls, GA 31554

CERTIFICATE OF SERVICE

I certify by my signature that a copy of the foregoing is being mailed to:


State Department of Social Services 1535 Confederate Ave, Columbia, SC 29201 Department of social service;

Kershaw County Social Security Administration 2nd Floor 111 Broad Street Camden, SC 29020-9466; and

Social Security Administration, Office of Public Inquiries and Communications Support 1100 West High Rise 6401 Security Blvd. Baltimore, MD 21235

on this 22 day of September, 2020.

/s/

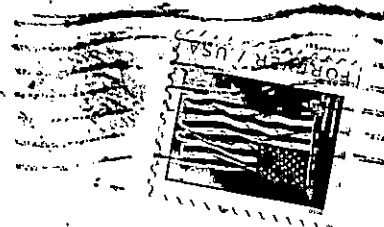

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