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ROBERT WILLIAM WAZNEY

FEB 08 2021

SC Court of Appeals

990 Wisacky Highway  
Bishopville, S.C. 29010  
803-428-2800

February 4, 2021

V. Claire Allen  
c/o South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RE: Your paper dated 1/28/21 concerning Case 2020-000910

I am in receipt of your 1/28/21 paper which I received on 2/2/21. Thank you. Your paper states you are in receipt of my motion to reinstate, and that because my case has not been dismissed, therefore, my motion will not be acted on. And your paper explains with greater detail of a Justice who signed the 1/13/21 ORDER which I filed my Motion to Reinstate against. And your paper states I have ten days from its date to submit payment of filing fee or my case will be dismissed.

First, I understand my case had not been dismissed when I filed MOTION TO REINSTATE on 1/20/21. However, the Court of Appeals ORDER made 1/13/21 results in a binding adjudication of my rights. Keels v. Powell, 213 S.C. 570, 50 S.E.2d 704 (1948). Good v. Hartford Accident & Indem. Co., 201 S.C. 32, 21 S.E.2d 209 (1942). And it disposes of the cause, or a distinct branch thereof, as to all the parties, reserving no further questions or directions for future determination. It finally disposes of the whole subject-matter or termination of the particular proceedings or action, leaving nothing to be done but to enforce by execution what has been determined. In other words the ORDER operates to divest some right in such a manner as to put it beyond the power of the Court making the order to place the parties in their original condition after the expiration of the term, that is, it puts the case out of Court, and must be final in all matters within the pleadings. Good v. Hartford Accident & Indem. Co., 201 S.C. 32, 21 S.E.2d 209 (1942) (quoting 2 Am.Jur.2d, Appeal and Error §-22); accord Bolding v. Bolding, 283 S.C. 501, 323 S.E.2d 535 (Ct.App. 1984) (per curiam); Spartan Mills v. Law, 186 S.C. 61, 194 S.E. 653, 655 (1938), see also McCants v. West Virginia Pulp & Paper Co., 223 S.C. 467, 76 S.E.2d 614 (1953) (permitting appeal, before formal entry of judgment, from circuit court order affirming award of Industrial Commission). See also Mid-State Distribs. v. Century Importers, 310 S.C. 330, 426 S.E.2d 777 (1993) (if there is some further act which must be done by the court prior to determination of the rights of the parties, the order is interlocutory). This Court's 1/13/21 ORDER effectively determines or discontinues the action and prevents an appealable judgment, See S.C.Code § 14-3-330(2)(a). And Rule 221(a),(c), SCACR.

V. Clarie Allen  
Page 2-of-2  
February 4, 2020

My MOTION TO REINSTATE I filed on 1/20/21 appeals this Courts ORDER made 1/13/21. I believe this Court should act on my Motion because I have appealed its ORDER in compliance with South Carolina Rules of Court, and, in compliance with S.C. Code of Laws § 14-3-330. And the 1/13/21 ORDER denies IFP pursuant Ex Parte Martin; my MOTION TO REINSTATE rebuts such ORDER where it states my substantial rights are at stake pursuant the provisions of federal law and the United States Constitution. This Courts ORDER provides the "end-of-the-road". Code 1976 § 14-3-330. Watson v. Underwood, 407 S.C. 443, 756 S.E.2d 155 (Ct. App. 2014). The Supreme Court has defined orders "involving the merits" as those that "finally determine [] some substantial matter forming the whole or a part of some cause of action or defense." Jefferson v. Gene's Used Cars, Inc., 295 S.C. 317, 318, 368 S.E. 2d 456, 456 (1988); accord Henderson v. Wyatt, 8 S.C. 112, 112 (1877), Mid-State Distribs. v. Century Importers, 310 S.C. 330, 426 S.E.2d 777 (1993).

Second, you have notified me that a Justice has made ruling on my request for **IFP, Williams**, thank you for the verification. His determination supports my **standing as stated above and in my MOTION TO REINSTATE.**

Third, assuming this Court will not consider my appeal of this Courts ORDER, I request extra time to provide in forma pauperis in reply to your 1/28/21 paper which states I have to provide you with a filing fee or case will be **dismissed. I further request information** as to what form or format is required for IFP for this court, because I am forced to be a pro se in this case and I have no prior legal training in the complex science of law and I prefer to do it correctly. An extra 30 days is requested.

Fourth, **due process of law prohibits a State from denying, solely because of inability to pay court fees and costs, access to its courts to indigents who, in good faith, seek judicial [redress] of their [grievances].** Boddie v. Connecticut, 401 U.S. 371, 91 S.Ct. 780 (1971).

The undersigned hereby certifies that true and correct copies of this paper were served upon all parties to this action by placing the same in the U.S. Mail postage pre-paid addressed to their last know address(es) on this day:

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

February 4, 2021.

/s/

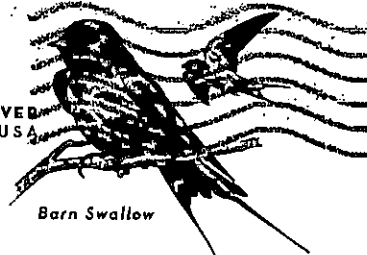
ROBERT WILLIAM WAZNEY  
Pro se (forced), Captive

cc: S.C. Ct. Admin.

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COLUMBIA SC 290

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