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SUPREME COURT, U.S.

No. 26-562

In the Supreme Court of the United States

JAMES C. MCNEIL AND MEAGHAN POYER,

Petitioners,

v.

COURT OF COMMON PLEAS OF SOUTH CAROLINA, NINTH JUDICIAL CIRCUIT, CHARLESTON COUNTY,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF SOUTH CAROLINA

PETITION FOR WRIT OF CERTIORARI

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AUGUST MMXXVI

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QUESTION PRESENTED

Whether the Due Process and Equal Protection Clauses of the Fourteenth Amendment permit a court to reserve electronic access for licensed attorneys, forcing self-represented litigants to use a paper intake that degrades the integrity of evidentiary exhibits central to their claims.

PARTIES TO THE PROCEEDINGS

Petitioners are James C. McNeil and Meaghan Poyer, individuals residing in Charleston County, South Carolina. Petitioners appeared as petitioners in the original-jurisdiction proceeding below and appear here pro se.

Respondent is the Ninth Judicial Circuit Court of Common Pleas, Charleston County, South Carolina, the respondent in the original-jurisdiction proceeding below.

RELATED PROCEEDINGS

Court of Common Pleas of South Carolina (9th Jud. Cir., Charleston Cty.):

- *McNeil* v. *SAC 181, LLC*, No. 2025–CP–10–05095 (Aug. 3 and 14, 2026) (civil action filed Sept. 9, 2025; order of dismissal with prejudice entered Aug. 3, 2026; timely motion to alter or amend the judgment under Rule 59(e), SCRCP, filed Aug. 12, 2026 and denied Aug. 14, 2026; proceeding presents distinct questions of sanctions and pleading sufficiency, and the relief sought here lies outside its scope)

Supreme Court of South Carolina:

- *McNeil* v. *Ninth Judicial Circuit Court of Common Pleas, Charleston County*, No. 2026–000919 (May 21, 2026) (petition for writ of mandamus filed Apr. 14, 2026; order declining to entertain the petition entered May 21, 2026; judgment under review)

TABLE OF CONTENTS

Question Presented i

Parties to the Proceedings ii

Related Proceedings ii

Table of Authorities vii

Petition for Writ of Certiorari 1

Opinions Below 1

Jurisdiction 1

Constitutional, Statutory, and Regulatory Provisions Involved 1

Statement of the Case 2

I. The underlying action 2

II. The filing architecture 2

III. The demonstration placed on the record 3

IV. The motions and the comparator 8

V. The mandamus proceeding 9

VI. The judgment under review 10

VII. How the federal question was raised and passed on 12

VIII. Proceedings after the judgment under review 12

Reasons for Granting the Petition 14

I. The record itself proves the question 15

II. The question is open in this Court 16

III. The same architecture governed the opportunity to be heard 18

IV. The question is national in scope 20

V. This case is a clean vehicle 22

VI. The remedy is administrable 23

Conclusion 24

Appendix

Appendix A

Order, Supreme Court of South Carolina, *James C. "Chris" McNeil and Meghan Poyer* v. *Ninth Judicial Circuit Court of Common Pleas, Charleston County*, No. 2026–000919 (May 21, 2026) App–1

Appendix B

Order, Court of Common Pleas, Ninth Judicial Circuit, County of Charleston, State of South Carolina, *James C. (Chris) McNeil and Meghan Poyer* v. *SAC 181, LLC, Meridian Residential Group, LLC, Adam W. Bayles, Individually, Tara Bayles, Individually, and MRG Investing Company, LLC*, No. 2025–CP–10–05095 (Aug. 3, 2026) App–4

Exhibit A App–32

Appendix C

Constitutional, Statutory, and Regulatory Provisions Involved App–39

U. S. Const., Amdt. XIV, §1 ..... App–39

42 U. S. C. §12132 ..... App–39

28 C. F. R. §35.130(b)(7)(i) App–39

28 C. F. R. §35.108(a)(2)(i) App–40

28 C. F. R. §35.108(d)(1)(i) App–40
28 C. F. R. §35.108(d)(1)(vii) App–40
28 C. F. R. §35.108(d)(2)(iii)(K) App–40

Appendix D

Terms of Use, South Carolina Courts' Electronic Filing System (SCE-File) User Agreement App–42

Appendix E

Materials Demonstrating Structural Obstruction to Justice for Self-Represented Parties in the Court of Common Pleas of South Carolina, Charleston County App–49

Appendix F

Original Filing and Filed Record Discrepancy Demonstration App–55

Appendix G

Plaintiffs' Notice of Pre-Hearing Safety and Case Management Matters, Request for Temporary Restraining Order and Court-Ordered Forensic Audit of Altman-Controlled Entities, and Proposed Roster Reorganization for May 28, 2026 Hearing, Court of Common Pleas, Ninth Judicial Circuit, County of Charleston, State of South Carolina, *James C. (Chris) McNeil and Meghan Poyer* v. *SAC 181, LLC, Meridian Residential Group, LLC, Adam W. Bayles, Individually, Tara Bayles, Individually, and MRG Investing Company, LLC*, No. 2025–CP–10–05095 (May 11, 2026) App–57

Appendix H

Select C-Track Public Docket Search Results App–62

Appendix I

Responds of Clerk, Supreme Court of South Carolina, *James C. "Chris" McNeil, et al.* v. *Ninth Judicial Circuit Court of Common Pleas, et al.*, No. 2026–000919 (May 14, 2026) App–66

Appendix J

Plaintiffs' Supplemental Motion for Ada Accommodation (Remote Filing and Appearances), Court of Common Pleas, Ninth Judicial Circuit, County of Charleston, State of South Carolina, *James C. (Chris) McNeil and Meghan Poyer* v. *SAC 181, LLC, Meridian Residential Group, LLC, Adam W. Bayles, Individually, Tara Bayles, Individually, and MRG Investing Company, LLC*, No. 2025–CP–10–05095 (Jan. 30, 2026) App–69

Appendix K

Judgment, Court of Common Pleas, Ninth Judicial Circuit, County of Charleston, State of South Carolina, *James C. McNeil, et al.* v. *SAC 181, LLC, et al.*, No. 2025–CP–10–05095 ..... App–77

TABLE OF AUTHORITIES

Cases

Armstrong v. *Manzo*,
380 U. S. 545 (1965) 15

Boddie v. *Connecticut*,
401 U. S. 371 (1971) 13

Bounds v. *Smith*,
430 U. S. 817 (1977) 13

Griffin v. *Illinois*,
351 U. S. 12 (1956) 13

Key v. *Currie*,
305 S. C. 115, 406 S. E. 2d 356 (1991) 7

Lindsey v. *Normet*,
405 U. S. 56 (1972) 13

Logan v. *Zimmerman Brush Co.*,
455 U. S. 422 (1982) 15

M. L. B. v. *S. L. J.*,
519 U. S. 102 (1996) 13

Mathews v. *Eldridge*,
424 U. S. 319 (1976) 15

Tennessee v. *Lane*,
541 U. S. 509 (2004) 15

Constitutional Provisions, Statutes, and Rules

U. S. Const., Amdt. XIV, §1 ..... 1, 6, 8, 15, 17, 19

S. C. Const., Art. I, §3 6

28 U. S. C. §1257(a) 1, 19

42 U. S. C. §12132 ..... 1, 6, 15

28 C. F. R. §35.108 1

28 C. F. R. §35.130 1

S. Ct. R. 10 ..... 11, 17

S. C. App. Ct. R. 245 7

S. C. R. Civ. P. 59(e) 10, 15

Other Authorities

American Bar Association, Profile of the Legal Profession (2023) 17

Alicia M. Forehand, Navigating Rough Waters: Charting a Path Toward Improved Access to Justice in South Carolina, 74 S. C. L. Rev. 863 (2023) 18

National Center for Access to Justice, Justice Index Dataset (Sept. 2024), Self-Representation Index 17–18

National Center for State Courts, The Landscape of Civil Litigation in State Courts (2015) 16

National Center for State Courts, Trends: Close Up, Civil Litigation 16

South Carolina Courts' Electronic Filing System (SCE-File) User Agreement 1–2, 5, 9, 11, 15, 19

PETITION FOR A WRIT OF CERTIORARI

James C. McNeil and Meaghan Poyer respectfully petition for a writ of certiorari to review the judgment of the Supreme Court of South Carolina in this case.

OPINIONS BELOW

The order of the Supreme Court of South Carolina denying mandamus is reproduced in the Appendix at App. 1–3. The August 3, 2026 order of the Court of Common Pleas of South Carolina, Charleston County is reproduced in the Appendix at App. 4–38.

JURISDICTION

The Supreme Court of South Carolina denied mandamus on May 21, 2026. This Court has jurisdiction under 28 U. S. C. §1257(a).

CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS INVOLVED

This case involves U. S. Const., Amdt. XIV, §1; Title II of the Americans with Disabilities Act, 42 U. S. C. §12132; 28 C. F. R. §§35.108, and 35.130(b)(7)(i).

The case also involves the State's electronic-filing access rule, stated in the SCE-File User Agreement: "Only licensed South Carolina attorneys who are properly registered with AIS may electronically file documents using SCE-File." Verbatim quotations of authorities are reproduced in the Appendix at App. 39–41, and the access rule is reproduced in the Appendix at App. 42.

STATEMENT OF THE CASE

I. The underlying action

On September 9, 2025, Petitioners commenced a civil action in the Charleston County Court of Common Pleas against their former landlord and its property managers, No. 2025–CP–10–05095, pleading claims under the South Carolina Residential Landlord and Tenant Act together with claims for fraudulent misrepresentation, breach of contract, retaliation, negligence, and invasion of privacy. Petitioners' pleadings alleged the publication of photographs of their occupied home, including a photograph depicting Poyer, across more than two dozen rental-listing platforms. Petitioners litigated the action without counsel throughout.

II. The filing architecture

South Carolina operates an electronic filing system for its circuit courts. The SCE-File User Agreement states the access rule in one sentence: "Only licensed South Carolina attorneys who are properly registered with AIS may electronically file documents using SCE-File." App. 42.

A represented party's filings therefore enter the court's file as native digital documents: in full color when the source is in color, text-searchable, and time-stamped along the margin with an electronic-filing legend adjacent to an identifying blue stripe.

A self-represented party in the same court hand-files paper. The Clerk of Court's intake scanner converts each submission to an image that becomes the official court file. On this record, that conversion produced two effects.

First, color photographic evidence entered the file as monochrome.

Second, the resulting file pages entered the record as images of text rather than as text, unsearchable by any reader of the electronic file, including the court.

The second effect affects both public visibility and the ability to copy and paste text. A represented party's submission arrives in the court's file as machine-readable text, which a reader can search, quote from, and copy directly.

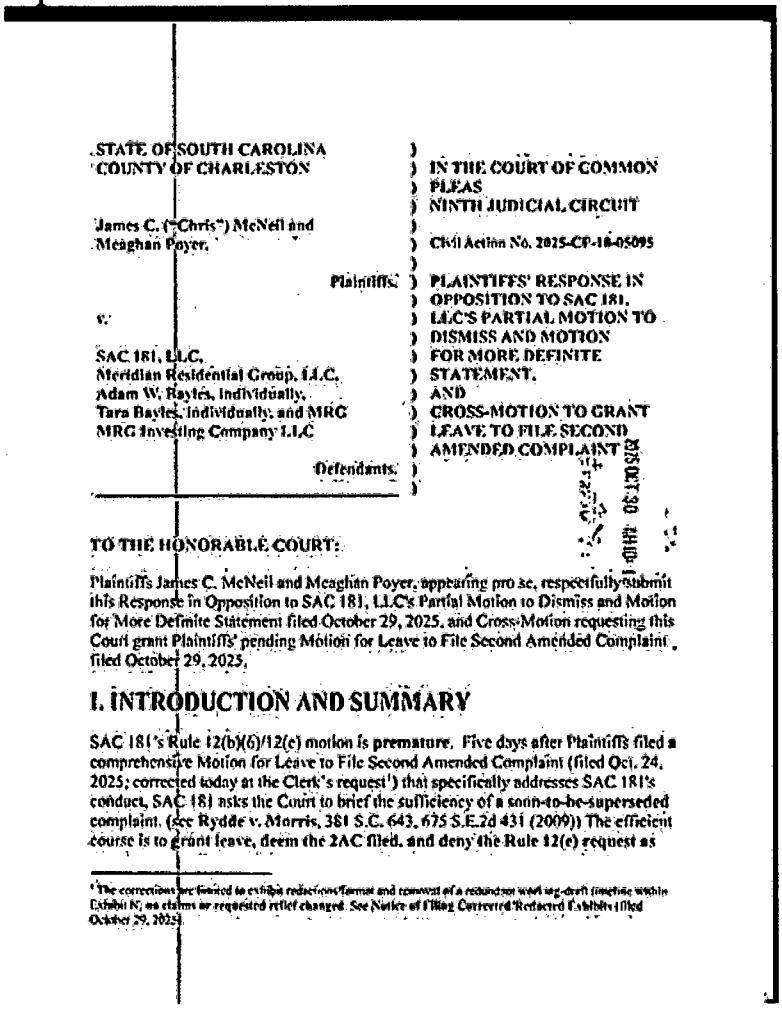
A self-represented party's submission arrives as a picture of words, which supports none of those operations without further conversion, such as optical character recognition (OCR), which can introduce errors.

The classification therefore reaches beyond how each party's evidence looks in the record to the mechanical availability of each party's language to the person drafting the order or to anyone wishing to quote from the text. In a sense, whichever record is legible becomes the record that exists.

III. The demonstration placed on the record

On May 11, 2026, Petitioners filed in the circuit court a Notice whose Part C described the disparity and whose Exhibit E demonstrated it. App. 49–54, 59–60. App. 51–54, sets out the step-by-step comparison of counsel's e-filing path against the self-represented paper path. App. 53–56, presents four panels.

Panel 1 shows a page of Petitioners' hand-filed response as it appears in the court's file: gray streaking, a scan line down the left margin, artifacts through the caption block.



STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT

James C. ("Chris") McNeil and Meaghan Poyer,) Civil Action No. 2025-CP-10-05095

Plaintiffs,) PLAINTIFFS' RESPONSE IN OPPOSITION TO SAC 181, LLC'S PARTIAL MOTION TO DISMISS AND MOTION FOR MORE DEFINITE STATEMENT, AND CROSS-MOTION TO GRANT LEAVE TO FILE SECOND AMENDED COMPLAINT

v.

SAC 181, LLC, Meridian Residential Group, LLC, Adam W. Bayles, individually, Tara Bayles, individually, and MRG MRG Investing Company LLC

Defendants.)

TO THE HONORABLE COURT:

Plaintiffs James C. McNeil and Meaghan Poyer, appearing pro se, respectfully submit this Response in Opposition to SAC 181, LLC's Partial Motion to Dismiss and Motion for More Definite Statement filed October 29, 2025, and Cross-Motion requesting this Court grant Plaintiffs' pending Motion for Leave to File Second Amended Complaint, filed October 29, 2025.

I. INTRODUCTION AND SUMMARY

SAC 181's Rule 12(b)(6)/12(e) motion is premature. Five days after Plaintiffs filed a comprehensive Motion for Leave to File Second Amended Complaint (filed Oct. 24, 2025; corrected today at the Clerk's request[1]) that specifically addresses SAC 181's conduct, SAC 181 asks the Court to brief the sufficiency of a soon-to-be-superseded complaint. (see Rydde v. Morris, 381 S.C. 643, 675 S.E.2d 431 (2009)) The efficient course is to grant leave, deem the 2AC filed, and deny the Rule 12(e) request as

[1] The corrections are limited to exhibit redaction/format and removal of a redundant work-in-draft timeline within Exhibit N; no claims or requested relief changed. See Notice of Filing Corrected Redacted Exhibits (filed October 29, 2025).

Panel 2 shows a page of defense counsel's e-filed motion: crisp, with the marginal legend "ELECTRONICALLY FILED—2026 Apr 02 4:09 PM—CHARLESTON—COMMON PLEAS—CASE#2025CP1005095."

ELECTRONICALLY FILED - 2026 Apr 02 4:09 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1005095

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT CASE NO. 2025CP1005095
JAMES C. ("CHRIS") MCNEIL AND MEAGHAN POYER Plaintiffs V. SAC 181, LLC, MERIDIAN RESIDENTIAL GROUP, LLC, ADAM W. BAYLES, INDIVIDUALLY, TARA BAYLES, INDIVIDUALLY, AND MRG INVESTING COMPANY LLC Defendants	MOTION TO RELIEVE JUSTINE TATE AS COUNSEL AND ALLOW FOR HER WITHDRAWAL AS COUNSEL

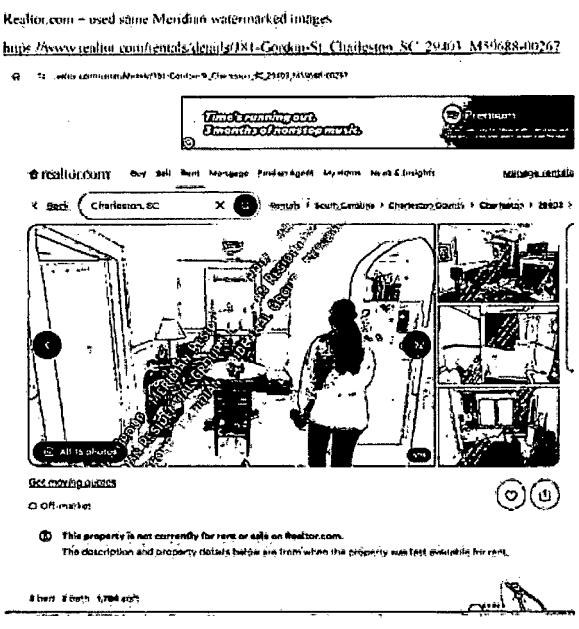
Kevin M. O'Brien, as pre-existing and remaining counsel for Defendant SAC 181, LLC (hereinafter referred to as "SAC 181"), hereby moves the Court to enter an Order relieving Justine M. Tate as counsel and allowing her withdraw as co-counsel for SAC 181 in this action, pursuant to South Carolina Rule of Professional Conduct 1.16(b)(1) and South Carolina Rule of Civil Procedure 11(b). In support of this Motion, the undersigned shows unto the Court:

1. Ms. Tate has accepted a position with another law firm and is no longer employed by Phelps Dunbar LLP. Therefore, Ms. Tate will no longer be retained to represent SAC 181 in this matter.

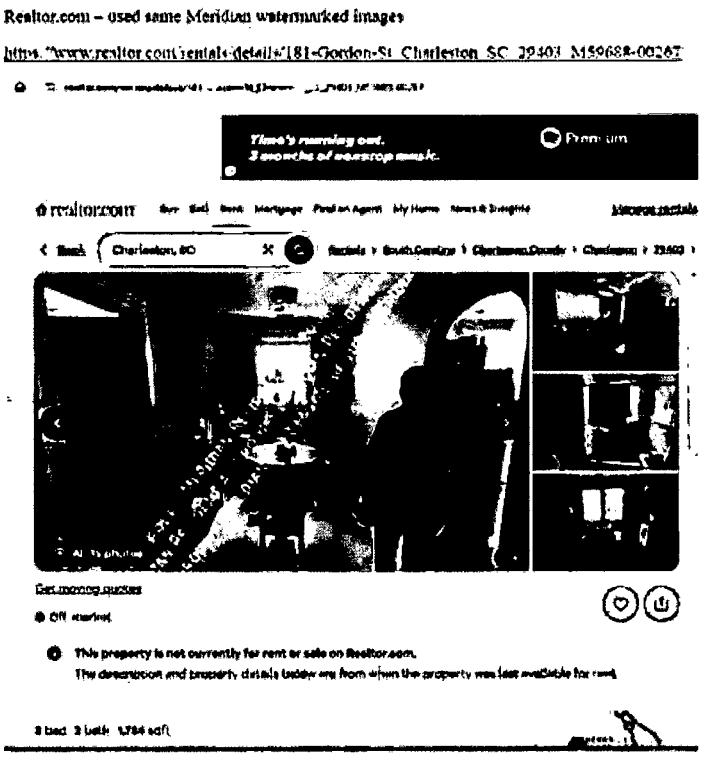
2. Attorney Kevin M. O'Brien of Phelps Dunbar LLP will continue to represent SAC 181 in this action and Ms. Tate's withdrawal will not prejudice or have any materially adverse effect on the interests of SAC 181. Attorney Kevin O'Brien is aware of and will comply with all pending deadlines.

PD.41342857.1

Panel 3 shows the photograph at the center of the invasion-of-privacy count as it entered the court's file through the scanner: streaky monochrome line-work in which the person at the center of the frame reads as a light-and-dark smudge.



Panel 4 shows the same photograph as published on Realtor.com: a full-color interior in which a person with dark hair, wearing a mustard-gold garment, stands at the center of the frame. The court's intake process reduced the photograph to one bit of information per point: black or white. Every shade between, the 256 levels of gray a consumer scanner preserves by default, was discarded at intake. App. 53–56.



The demonstration entered the docket on May 11, 2026, and was served on all parties. The circuit court held it for 84 days before entering the order described in Part G below. App. 4, 57.

IV. The motions and the comparator

Three filings frame the access record.

On October 24, 2025, Petitioners filed a Motion for Leave to File a Second Amended Complaint. The motion stood unopposed on the docket for 179 days. On April 21, 2026, a defendant served a memorandum in opposition. As of May 21, 2026, the motion had been pending 209 days without ruling, hearing, or scheduling order.

On January 30, 2026, Petitioner McNeil filed a Supplemental Motion for ADA Accommodations, supported by clinical documentation of disability. App. 69–72.

The motion requested two accommodations: electronic filing access and remote appearance. Both requests sought forms of electronic access that the SCE-File User Agreement reserves to licensed attorneys. The motion further proposed, as an alternative to full e-filing access, that filings sent by email to a designated Clerk of Court address be deemed filed upon receipt. App. 73–74.

As of May 21, 2026, the motion had been pending 111 days without ruling. The docket records its disposition on May 28, 2026, the day of the hearing, 118 days after filing.

On April 2, 2026, defense counsel filed a Motion to Relieve Justine Tate as Counsel. The circuit court granted it on April 7, 2026: five days from filing to disposition, in the same case, on the same docket, during the same period.

The same period supplies a second pairing. On March 23, 2026, defense counsel requested remote appearance at a hearing by email, citing schedule

restrictions, and the accommodation followed. Petitioners' motion for the same accommodation, filed January 30, awaited disposition until May 28.

V. The mandamus proceeding

On April 14, 2026, Petitioners filed in the Supreme Court of South Carolina, in that court's original jurisdiction, a petition for a writ of mandamus directed to the Ninth Judicial Circuit Court of Common Pleas, Charleston County. Appellate Case No. 2026–000919. The petition asked the court to compel rulings on the motions described above, to direct scheduling pursuant to normal procedures, and to preserve asset discovery and equitable relief.

The petition presented the federal questions directly. It grounded the accommodation claim in Title II of the Americans with Disabilities Act, 42 U. S. C. §12132, and stated that the circuit court's inaction, "while granting defense counsel's identical informal request within hours, violates both the statutory mandate and Equal Protection principles."

It grounded the access claim in the Fourteenth Amendment: "The Due Process Clause of the Fourteenth Amendment and Article I, Section 3 of the South Carolina Constitution guarantee litigants meaningful access to the courts."

On April 28, 2026, the Supreme Court of South Carolina issued a letter to the Charleston County Clerk of Court requesting a return to the petition, and its Clerk's office transmitted that request to Petitioners by email the same day. App. 61. The court maintains an email channel for submissions in its proceedings; Petitioners submitted filings through it, and the court's Clerk's office corresponded with Petitioners

through it throughout the proceeding. App. 60. On May 8, 2026, the Clerk of Court filed a Return through counsel, stating that the Return was made only on the Clerk's behalf and that the relief sought consisted of judicial functions falling outside the Clerk's ministerial duties.

On May 11, 2026, Petitioners filed a Status Report Supplement in the mandamus proceeding. Its Section II carried the heading "The Fourteenth Amendment Significance of the Current Status Record" and presented the claim in three enumerated forms: (1) the accommodation motion remained unresolved 101 days after filing despite documented disability; (2) represented counsel received "prompt procedural access, including remote-appearance accommodation and proposed-order handling, while Petitioners continued to bear the unequal burdens of paper filing, access friction, and unanswered safety-related requests"; and (3) silence continued after the court's own April 28 return-request letter.

VI. The judgment under review

On May 21, 2026, the Supreme Court of South Carolina entered the order under review. App. 1–3. Five justices signed it. The order states its reasons in full:

First, the court declined on scheduling grounds:

Because the circuit court has scheduled a hearing on Petitioners' motions for May 28, 2026, we decline to entertain this matter in this Court's original jurisdiction. See Rule 245, SCACR, and *Key* v. *Currie*, 305 S. C. 115, 406 S. E. 2d 356 (1991).

Second, the court explained the delay:

[T]he circuit court requires time to review and consider individual motions and any accompanying materials prior to issuing a dispositive ruling. Furthermore, Charleston is a very large county, and Petitioners' case is one of many pending before that court. The very fact that the circuit court has scheduled a hearing on Petitioners' motions demonstrates that the circuit court is not ignoring Petitioners' filings. Accordingly, seeking a writ of mandamus before this Court was unnecessary.

Third, the court addressed Petitioners' filing volume:

Petitioners are further cautioned that their excessive filings likely contributed to any delays in the case. Our review of the underlying case in the Charleston County public index indicates that Petitioners have filed more than forty motions, notices, and other documents during the eight-month time frame that the case has been pending.

The order closed with a warning:

While Petitioners' filings in the underlying case may not yet rise to the level of abusive, Petitioners are warned that this Court and the circuit court have the power to establish filing restrictions in the event that either court determines a litigant is a prolific or abusive filer.

The order counted Petitioners' filings. It counted no unruled motion and no elapsed day. The circuit court's own filing inventory, later attached as Exhibit A to its August 3, 2026 order, lists 31 filings by Plaintiffs and 34 by the defense. App. 32–38.

VII. How the federal question was raised and passed on

The question presented entered the mandamus proceeding on April 14, 2026, in a petition that invoked the Due Process Clause of the Fourteenth Amendment by name, presented the day counts, and presented the five-day comparator.

It entered again through the May 11, 2026 Supplement, whose Section II heading placed the Fourteenth Amendment on the face of the filing and whose text identified "the unequal burdens of paper filing" borne by the self-represented parties against the procedural access afforded to counsel. The underlying demonstration, Part C and Exhibit E of the May 11, 2026 Notice, was on the circuit court's docket in the case the mandamus proceeding concerned. App. 49–54, 57, 59–61.

The court passed on the question by the May 21, 2026 order. It resolved the delay question on the merits of the record before it, attributing the elapsed time to the county's size, the volume of Petitioners' filings, and the ordinary requirements of judicial review, and it answered the access record with a caution addressed to the unrepresented litigants. The order disposed of the proceeding finally. App. 1–3.

VIII. Proceedings after the judgment under review

A machine at the courthouse took a woman out of a photograph. Then a judge ruled against pro se Plaintiffs based on her absence.

The August 3, 2026 order of the circuit court appears in this petition for one purpose: it is the ruling that acted on the degraded image. Denying leave to

amend, the order characterized the invasion-of-privacy claim: "allegations such as the Plaintiffs being depicted incidentally in a listing photograph, without being identified, do not rise to the level of a cognizable claim." App. 30.

On the court-file copy of the photograph, that reading is available: the scanner's output shows an interior with a smudge where a person stands. On the color original, a specific, identifiable person stands at the center of the frame of her own home. App. 53–56. The court-file page carries a typed caption directly above the photograph reading "Images of Meaghan." App. 56.

The chain on this record runs in four links, each documented: (1) a state filing rule reserved electronic filing to licensed attorneys, so Petitioners hand-filed paper; (2) the Clerk's intake scanner converted the color photograph to monochrome line-work and produced text-unsearchable pages; (3) the person at the center of the photograph became an artifact in the official record; (4) the court found the Plaintiffs "depicted incidentally" and "without being identified," and the claim was eliminated. The demonstration of the defect had been on the docket 84 days when the order issued.

Two further records from the mandamus proceeding complete the picture. The docket-visibility record shows South Carolina C-Track public searches, run with closed cases both included and excluded, in which Appellate Case No. 2026–000919 appears in no result set while Case No. 2026–000915, a pending extraordinary-writ matter filed the same day and involving a self-represented party, appears as pending. App. 62–65.

After Petitioners identified that inconsistency to the Clerk's office by email on May 15, 2026, citing Case No. 2026–000915 by name, the cited case disappeared from the public index between May 15 and May 19: direct queries for its number returned no records.

The correspondence record pairs the Clerk of Court's May 14, 2026 letter with Petitioners' contemporaneous account of a May 13, 2026 telephone call, presenting two mutually exclusive explanations of the docket status within 24 hours. App. 66–68.

Petitioners filed a timely motion under Rule 59(e), SCRCP, in the circuit court on August 12, 2026. On August 14, 2026, the circuit court denied it by an electronically filed Form 4 judgment stating that the court "is unable to discover any material fact or principle of law that has either been overlooked or disregarded."

The denial issued two days after the motion's filing. That ruling and any subsequent appeal concern the sanctions and pleading holdings of the August 3 order; the filing architecture presented here lies outside that track.

REASONS FOR GRANTING THE PETITION

This petition presents what Rule 10(c) describes: "an important question of federal law that has not been, but should be, settled by this Court." The question concerns the physical fidelity of the court record itself: whether a State may condition the accuracy with which a litigant's evidence enters the official file on whether a lawyer performed the act of filing it.

The State's own documents answer every factual predicate of that question and place the legal question before this Court free of factual dispute.

I. The record itself proves the question

This petition asks the Court to look at four documents.

The first is the State's filing rule. The SCE-File User Agreement states: "Only licensed South Carolina attorneys who are properly registered with AIS may electronically file documents using SCE-File." App. 42.

The second is the image comparison demonstration. Exhibit E to the May 11, 2026 Notice places the court-file rendering of Petitioners' photographic evidence beside the original: a monochrome page in which a smudge occupies the place where a person stands, and a color photograph in which the same person stands at the center of the frame. App. 53–56.

The degradation is apparent to a layperson in seconds. The same page documents the parallel loss: counsel's filing carries a machine-readable text layer, and Petitioners' filing carries an image of text. App. 60.

The third is the timing record. A motion for leave to amend sat 209 days without ruling. A federally grounded accommodation request sat 111 days without ruling. A represented party's motion to relieve counsel, filed in the same case during the same period, was granted in five days. Each figure is calculated from filing dates in the record.

The fourth is the judgment under review. Presented with that record in its original jurisdiction, the Supreme Court of South Carolina declined to act, explained the elapsed time by the county's size and the ordinary requirements of judicial review, counted "more than forty motions, notices, and other

documents" filed by the unrepresented parties, and closed with a warning about filing restrictions for "prolific or abusive filers." App. 1–2. The order counts Petitioners' filings and counts nothing on the other side of the ledger: no unruled motion, no elapsed day, no comparator.

The record documented in this petition shows the state system's denial of equal treatment, in sequence, ending in a merits ruling that only the degraded version of the evidence supports. The August 3, 2026 order found the Plaintiffs "depicted incidentally in a listing photograph, without being identified." App. 30. On the original, an identifiable person stands at the center of her own home. App. 54–55.

II. The question is open in this Court

This Court's access-to-courts decisions address money and process at the threshold. *Griffin* v. *Illinois*, 351 U. S. 12 (1956), reached transcripts priced beyond an indigent defendant's means. *Boddie* v. *Connecticut*, 401 U. S. 371 (1971), reached filing fees that closed the divorce courts to those who could not pay. *M. L. B.* v. *S. L. J.*, 519 U. S. 102 (1996), reached record-preparation fees that conditioned appeal of a parental-rights termination on wealth. *Lindsey* v. *Normet*, 405 U. S. 56 (1972), reviewed procedural terms a State attached to housing litigation specifically. Each case asked whether a State may price or structure the courthouse door.

Access to the courts, where it is guaranteed, must be "adequate, effective, and meaningful." *Bounds* v. *Smith*, 430 U. S. 817, 822 (1977). The question here begins after the door. Petitioners paid their fees, filed their papers, and litigated their case.

The constitutional defect operated on what the court received: the State's intake process delivered counsel's submissions to the decision-maker in full fidelity and delivered Petitioners' submissions in a form that erased the central fact on which their claim depended. A litigant whose evidence is degraded on intake has been denied the benefit of the forum while appearing to receive it.

That form of exclusion awaits this Court's review, because the form itself arrived only when courts split into electronic and paper tiers.

The classification also operates on the drafting of judicial decisions. Language that arrives as machine-readable text can be searched, quoted, and carried directly into an order. Language that arrives as a picture of words requires retyping or conversion before it can travel anywhere. A State that supplies one class of litigants with text and the other class with images has allocated, by rule and by machine, whose words can pass mechanically into the document that decides the case. Petitioners raise the allocation itself, which the appendix establishes, and leave to other proceedings any question about how it operated in any particular order.

The classification also differs in kind from a fee. A fee burdens equally and visibly; the litigant knows what was demanded and what was withheld. Intake degradation is invisible to its victim at the moment it matters. Petitioners learned what the scanner had done to their evidence only by comparing the court's file with their originals, and the file defines what a reviewing judge sees.

Federal review here protects the state court's own function: an appellate process reviewing a degraded

record cannot perform the truth-seeking function for which the State's courts exist.

The defect corrupts the record on which the merits are decided, which distinguishes it from the threshold burdens of fees and record costs that this Court has reviewed in the access cases above.

III. The same architecture governed the opportunity to be heard

The access architecture under review extends beyond the intake of paper. It governs who may participate in the court's work by electronic means, and on what terms. The record documents that dimension of the architecture, and it corroborates the question presented without requiring any separate holding.

The opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." *Armstrong* v. *Manzo*, 380 U. S. 545, 552 (1965). Due process attaches to state procedures that control the life of a claim, *Logan* v. *Zimmerman Brush Co.*, 455 U. S. 422, 428–433 (1982), and the timing of process is measured by the interests at stake, *Mathews* v. *Eldridge*, 424 U. S. 319, 334–335 (1976). This Court held in *Tennessee* v. *Lane*, 541 U. S. 509, 533–534 (2004), that Title II of the Americans with Disabilities Act, as applied to the fundamental right of access to the courts, enforces the Fourteenth Amendment.

On January 30, 2026, Petitioner McNeil moved for two accommodations: electronic filing access and remote appearance. App. 69, 73–75. Both requests sought forms of electronic access that the State's filing rule reserves to licensed attorneys. The motion sat 111 days without ruling, and the docket records its

disposition on the day of the hearing it concerned, 118 days after filing.

In the same period, the circuit court granted a represented party's motion to relieve counsel in five days and honored a represented party's informal email request for remote appearance within four days. The record establishes when the court acted and for whom.

The same measure appears after the judgment under review. On August 12, 2026, Petitioners filed a 23-page motion to alter or amend under Rule 59(e), SCRCP, supported by record citations. The circuit court denied it on August 14, 2026, by form judgment, 48 hours after filing. App. 78. A court that disposes of that motion in two days had left a motion for leave to amend unresolved for 209 days and a federally grounded accommodation request unresolved for 111. Decision speed in this record tracks one variable: whose filing it was.

The judgment under review completes the corroboration. Presented with that record, the State's highest court responded that the circuit court "requires time," that "Charleston is a very large county," and that Petitioners' own filings "likely contributed to any delays." App. 1–2.

The same classification that governs the intake of evidence governed the allocation of the court's attention: representation status predicted the fidelity of what the court received and the speed of what the court returned. Petitioners present that convergence as record confirmation of the question presented, and seek no holding beyond it.

IV. The question is national in scope

Self-representation is the ordinary condition of American civil justice. The National Center for State Courts found that at least one party was self-represented, usually the defendant, in 76 percent of the civil cases in its landscape dataset. National Center for State Courts, *The Landscape of Civil Litigation in State Courts* iv (2015).

The same body of research records the representation asymmetry beneath that figure: in debt-collection cases, plaintiffs appeared with counsel in 98 percent of cases while defendants appeared with counsel in 16 percent. National Center for State Courts, *Trends: Close Up, Civil Litigation*, https://www.ncsc.org/__data/assets/pdf_file/0024/25773/civil-litigation.pdf.

The type of party most likely to stand in a state courthouse without a lawyer is the type of party the filing architecture at issue routes through the degrading intake tier.

The filing architecture that produced this record operates in 28 of the 52 jurisdictions the National Center for Access to Justice scores. The National Center for Access to Justice scores every jurisdiction on whether it makes "electronic filing accessible from any computer" for self-represented litigants. Measured by jurisdiction count in the 2024 Justice Index dataset, 24 of the 52 scored jurisdictions receive a "Yes" and 28 receive a "No," with South Carolina among the "No" jurisdictions. National Center for Access to Justice, *Justice Index Dataset* (Sept. 2024), *Self-Representation Index*, https://ncaj.org/state-rankings/justice-index.

The count runs by jurisdiction: in 28 of the 52 scored jurisdictions, whether a litigant's evidence reaches the court intact depends on whether a lawyer filed it. That geographic condition on a Fourteenth Amendment interest presents the kind of unsettled, recurring, structural question Rule 10(c) describes.

South Carolina presents the question in its most acute form. The State has the fewest lawyers per capita in the nation, 2.1 per 1,000 residents, roughly half the national figure. American Bar Association, *Profile of the Legal Profession* (2023), https://www.americanbar.org/news/abanews/aba-news-archives/2023/11/new-aba-profile-report-highlights-civil-legal-aid/.

South Carolina also holds the ninth-lowest score on the Justice Index, and it ranks last among the states in attorneys available to serve people living in poverty. Alicia M. Forehand, *Navigating Rough Waters: Charting a Path Toward Improved Access to Justice in South Carolina*, 74 S. C. L. REV. 863, 863–864 (2023), https://sc.edu/study/colleges_schools/law/student_life/journals/sclr/_documents/issues/vol74_4/forehand_navigating_rough_waters.pdf.

Where counsel is least available, self-representation is least likely to be a choice, and the burden of a representation-based filing classification falls on citizens with the fewest alternatives. The question presented asks whether a State may answer that scarcity by degrading the evidence of citizens whom that scarcity leaves to proceed without counsel.

The question also governs what comes next. The same dataset locates the transition midstream: 24 scored jurisdictions provide open electronic access to self-represented litigants and 28 have yet to do so.

Each jurisdiction completing the transition will either extend full-fidelity intake to all litigants or preserve an architecture in which an intake setting determines whose evidence survives intact; that setting is a choice invisible to the filer.

Resolution now would set the constitutional terms that govern the fairness of filing methods as jurisdictions complete that transition.

V. This case is a clean vehicle

The question presented reduces to a pure question of law. The facts that carry it are documents: a user agreement, a docket, a paired image, and four orders. The record arrives complete for review as filed; the paired exhibit performs the only comparison the case needs, and it sits in the appendix. App. 53–56.

The question was raised below and passed on. It entered the mandamus petition by name, with day counts and the five-day comparator. It entered the proceeding again through the May 11, 2026 Supplement, under a heading reading "The Fourteenth Amendment Significance of the Current Status Record," and through the demonstration on the underlying docket.

The May 21, 2026 order resolved the proceeding with stated reasons. App. 1–3. See pp. 9–11, *supra*.

The judgment stands final under 28 U. S. C. §1257(a). The original-jurisdiction proceeding is complete. The pending state track reviews the trial court's sanctions and pleading rulings; the court system's filing architecture sits outside that review, and only this Court reaches it. See supra, Jurisdiction.

The respondent is the appropriate party. The classification under review belongs to the court system

itself. The private defendants in the underlying action hold no stake in the filing rule and are not parties here. The question arrives unentangled with any private dispute.

Finally, the record insulates the question from the discount ordinarily applied to self-represented filings. Every factual claim in the petition travels with a quoted record string or a reproduced document.

A reader inclined to discount the filing because of who filed it confronts, in the appendix, the precise mechanism by which such discounting becomes self-executing: the State's own intake process rendered these litigants' evidence less legible than their opponents' evidence before any human judgment reached it.

VI. The remedy is administrable

The relief a merits holding would require consists of a court-administration measure within powers that every state judiciary already exercises. The complete remedy on this record runs through access: extend electronic filing to self-represented parties, as 24 scored jurisdictions already do.

Fidelity-preserving paper intake would cure the evidentiary component alone; it would leave in place the labor of hand-filing each submission and the text-invisibility of scanned filings, which keeps a self-represented party's papers illegible to the search tools every other reader of the electronic docket enjoys.

Open access resolves the visible, the searchable, and the participatory disparities at once, and it leaves every substantive law, pleading standard, and legitimate gatekeeping function untouched.

Courts remain free to screen filings for compliance; the holding sought reaches only an intake architecture that consumes one class of litigants' evidence.

The record itself answers any suggestion that electronic submissions from self-represented parties present technical obstacles: the State's highest court maintains an email channel through which these self-represented Petitioners submitted filings in the proceeding below, and its Clerk's office corresponded with them through the same channel. App. 69.

The holding is equally narrow on the participation dimension. A court that resolves a represented party's routine motion in five days while leaving a motion for leave to amend and a federally grounded accommodation request unresolved for 209 and 111 days has, on those facts, denied the opportunity to be heard at a meaningful time. The holding operates on extremes and leaves ordinary docket management untouched.

CONCLUSION

The petition for a writ of certiorari should be granted.

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