

State of South Carolina
In The Court of Appeals

Appeal from York County
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2013-000975

Bryan P. Stirling, Acting Director, Willie Eagleton
Warden, Timothy Wheeler, Lt. Wheeler, Evans Correctional
Institution, South Carolina Department of Correction and
State of South Carolina

Respondent

v.

Antonio Gordon

Appellant

Injunction and Temporary
Restraining Order

The Appellant hereby file this injunction and temporary restraining order Pursuant to South Carolina Rules of Civil Procedure Rule 65(a)(b), ordering South Carolina Dept of Correction "Evans Correction Institution" to discontinue violating appellant's first amendment constitutional right to access to the courts, and appellant's fourteenth amendment right to equal protection of the law and due process of law under the fourteenth amendment to the united states Constitution by treating appellant different to those "similarly situated", and furnish appellant with "18" copies of Appellant's motion for new trial based on after discovered evidence "6" Pages, Monta Gordon and Terrance McCreary affidavits, and furnish "18" copies of Judge Hayes order denying motion for new trial "25" Pages. These legal documents are necessary for appellant's appeal, which failure of appellant to file the necessary copies will subject appellant's appeal to dismissal.

Appellant also request this court to order SCDC to furnish appellant the necessary paper and pens to handwrite "18" copies of his final brief and or make the necessary copies due to appellant's "indigent" status. The appellant submit that Evans Correctional Institution have refused to supply these copies and refuse to make copies of appellant's hand written documents which is denial access to the

Courts. Harrington v. Holshouser, 741 F.2d 661, 69 (4th Cir. 1984) (Holding free copying required for indigent). See Exhibit "a" "b".

Appellant also request this Court to order SCDC to discontinue violating his Equal Protection of the law right by denying appellant access to the law library computer and on law books "[E]very" week upon request to staff as those "similarly situated" in violation of Barbier v. Connolly, 113 U.S. 27 (1885) (Holding all persons "similarly situated" shall be treated alike), also violating appellant's first amendment right access to the courts. Bounds v. Smith, 430 U.S. 817, 821 (1977); Lewis v. Casey, 518 U.S. 343 (1996). See Exhibits "c" "d" "2". Appellant assert that he "cannot" adequately prepare a legal brief when SCDC is intentionally refusing access to the law library time and the necessary legal materials.

Appellant assert that he have shown an ongoing constitutional violation of "Evans Correctional Institutional" even from the warden personally himself, this action warrant separation and a restraining order. Appellant also assert he face irreparable harm and may cause appellant injury in the appeal pending before this court. As a matter of law, the continuing deprivation of constitutional rights constitute irreparable harm. Elrod v. Burns, 427 U.S. 347 (1976). See Declaration of Antonio Gordon in conjunction with Exhibits "2" "b" "c".

Relief:

- (1) SCDC to provide appellant with copies of Judge Hayes order dated April 22, 2013, the "18" copies required under Rule 211 (a)(b), copies of motion for new trial, and Monta Gordon and Terrance McCreary affidavits, "18" copies under Rule 211.
- (2) Discontinue treating appellant different to those similarly situated by denying access to the law library computer and on law books "EVERY" week upon request to staff.
- (3) Photocopy appellant's final brief under Rule 211 (A)(b), "18" copies, and or provide the appellant with the necessary material.
- (4) Issue a restraining order due to the ongoing constitutional violation and appellant fear of retaliation from Evans Correctional Guards.

Antonio Gordon

March 10, 2014

State of South Carolina
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 Court of General Sessions
John C. Hayes, III, Circuit Court Judge
Appellate Case No. 2013-000975

State of South Carolina

Respondent

v.

Antonio Gordon

Appellant

Declaration of Antonio Gordon

I Antonio Gordon declares:

I am incarcerated at Evans Correction Institution, I am housed in disciplinary confinement cell 232, and have been confined thereof since 8-2-2013.

I am the Appellant in the above case and I am challenging my criminal conviction on appeal in the South Carolina Court of Appeals.

Since I been confined in disciplinary confinement I submit a "inmate Request to Staff member every week to use the law library computer and or law books to Timothy Wheeler, Lt. Wheeler."

Lt. Wheeler refuse me access to the law library computer and or law books every week as Requested Pursuant to SCDC Policy GA.01.03.

Lt. Wheeler ONLY give me the law library computer and or law books when I file complaints with the warden, General Counsel, and or grievance Coordinator.

During the weeks I request the law library computer and or law books and Lt. Wheeler refuse me, he will "not" return my Request to Staff.

I have made Warden Willie EAGALTON aware of Lt. Wheeler action of denying me access to the law library computer and or law books "Every" week upon request to staff, see Exhibit "b" "c" "d"

661-1270-13
open

Antonio Gordon 259798

ECI Smu A 232

610 Hwy 9 west

Bennettsville, South Carolina, 29512

January 18, 2014

RECEIVED

JAN 22 2014

RECEIVED

MAR 11 2014

SC Court of Appeals

Exhibit "D"

GENERAL COUNSEL

Dear To whom it may concern:

I am writing about the denial of access to the Law Library here at Evans Correctional Institutional. I request to use the law library computer "every week" but smu Lt. Wheeler refuse to provide me access to the law library computer. The warden Willie Eagleton, have a memo that states inmates in smu is to submit a request to staff ^{to} the Dorm Lt 24 hour prior to wanting to use the law library computer, and each inmate is entitled to two (2) hours at a time. Inmates in general population is entitled to use the law library computer every week and the books that in the law library, however, I am not. I have filed a complaint with the warden and file an inmate grievance and the ongoing denial of me to the law library have continued. An investigation into this matter need to be convened. I recently recieved a Court deadline from The Administrative Law Court in which this agency recieve a copy and I Am being denied to the law library. This is a action that constitute cruel and unusual punishment, Denial of equal protection and due process on behalf of SCDC, refusing me Access to the law library. Of course

AUG 28 2013

ECI

Request to Staff member

To: Warden Willie Edgerton

Im Antonio Gordon 259798 SMI A 227 DATE 8-28-2013

Sir Pursuant to S. C. D. C. Policy and according to Ms. Hooks, Inmates can only receive 100 sheets of legal paper to handle court business. However, pursuant to SCACR, Rules 208 through 211, I must submit a total of "15" copies of my brief to the Appellate Court. However, this will be very hard of me because I am only issued "100" sheets of papers once a month and pursuant to S. C. D. C. Policy inmates are not allowed to have copies made of handwritten documents whether they are legal or not.

Sir, is there any way that Ms. Miller Law library can make these copies for me? My brief are 10 pages, thanks!

Antonio Gordon

Attachment (b)

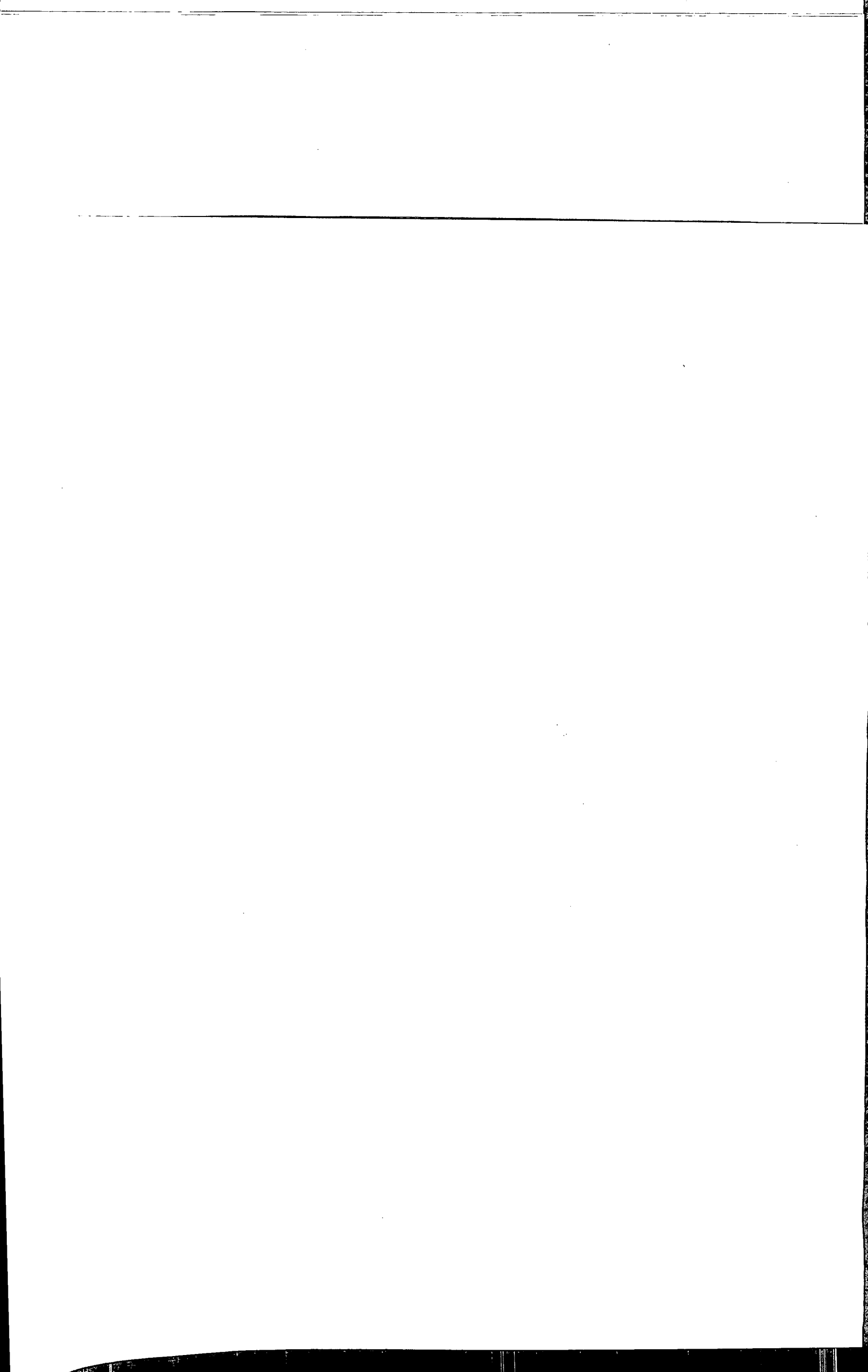
Im Gordon, in accordance to SCDC Policy GA-01.03 Access to Courts, para. (13.A) Materials and documents that will not be copied include: Documents that have been solely originated, generated, written, typed, or created by an inmate (the inmate may copy this information by hand.)

Date:

Signi

8-3-13

[Signature]



Funds for

10.15.2013

Mark Johnson

Exhibit " & "

