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In the South Carolina Court of Appeals

James B. Blakely, Appellant,

vs.

Seroy Cartledge, Warden, et al., Respondents

Appellant Case No. 2014-001547

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SEP 11 2014

Appellant's Response
To Court Order

SC Court of Appeals

Appellant respectfully response
to the Court's Orders.

Appellant is not filing a Summons
and Complaint in this Court of Ap-
peals, therefore, *Ex parte Martin*, 301
S.C. 533, 470 S.E.2d 135 (1995) should
not apply in this case.

Appellant is appealing from the
Lexington Court of Common Plea,
whom address Appellant does not
possess. Appellant filed this action
in McCormick, South Carolina and
Attorney Steven M. Pruitt, Esquire. Some-

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Now had a change of Venue from MC Cormick, S.C. Court to Lexington Court without Appellant being notified of change of Venue. Now was Appellant served Summary Judgment.

Appellant had reported, the assistance mail room supervisor to Mr. David M. Tatarsky, that Mr. Jeffcoat was opening and tampering with Appellant legal mail. It is believed that SCDC have fired Mr. Jeffcoat for his actions. He is not at Kendall Corr. Inst.

Appellant was taken to Lexington Courthouse without notice. And since the Lexington Court ruling came to Appellant by way of Mr. Steven M. Pruitt, Esq., Appellant never had the address to request a hearing transcript, and as Appellant remember, the judge told Appellant in Court, not to expect the ruling from Mr. Pruitt, rather the Court would forward Appellant a copy of the ruling. The Court never forwarded Appellant a copy of the ruling, so Appel-
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lant never had the address and therefore, could not request a transcript, nor do appellant know who the Court reporter was. Nevertheless, appellant will order a copy of the transcript and file a Motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 DCACR, through this Court since appellant do not have access to the proper address.

Appellant Will Argues
Filing Fee

Appellant will argue that under 28 U.S.C. § 1915(b)(4) that he have a right to *in forma pauperis*, for it states:

"(4) In no event shall a prisoner be prohibited from bringing a Civil action or appealing a Civil or Criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial

(3)

partial filing fee. "

Appellant will argue that 28 U.S.C. § 1915(b)(4) is part of the U.S. Constitution and apply to the States through the Fourteenth Amendment. Therefore, Appellant notice of appeal fit within one of the statutory or Constitutional exceptions to the requirement of a filing fee. Also, the Clerk of Court must submit the Motion to a judge for a ruling as to whether or whether the cause of action concerns a fundamental right that requires waiver of the filing fee.

Appellant was granted permission to start this action in forma pauperis and appellant should be permitted to appeal in forma pauperis, especially since this is a matter of injustice and a denial of due process and equal protection of the laws.

Appellant is not an attorney and should not be held to the same standard. Williams v. Carter, 10 F.3d 563 (8th Cir. 1993) states: "A pro se document is to be liberally construed. As the Court

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Unanimously held in *Haines v. Kerner*, 404 U.S. 519 (1972), a pro se Complaint, 'however inartfully pleaded,' must be held to 'less stringent standards than formal pleadings drafted by lawyers' and can only be dismissed for failure to state a claim if it appears 'beyond doubt that the [Appellant] can prove no set of facts in support of this claim which would entitle him to relief.'" *Id.*, at 520-21 quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957) [*107].

It would also be a miscarriage of justice to use appellant's financial disability to deny appellant a needed transcript and due process, especially, since respondents' attorney caused this unusual difficulty by failing to properly notify appellant of the change of venue. It would be justice if the respondents' attorney bore the expense of the transcript, since appellant was never informed of the change of venue. On the Court Order the Court reporter to

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donate appellant a needed copy of the transcript, since appellant is indigent, and originally filed as indigent.

the closing appellant would respectfully inform this Court of another presents problem from the respondents.

Appellant requested copies and was denied by Christopher Florian of General Counsel; so appellant notified Mr. David M. Tatarsky through the iPad Kiosk and received the following answer on 9/5/14, number 14-225781, from Ms. Sandra Rhea-Rogers of the Institutional Law Library: "If you were told by G/C by Christopher Florian you cannot have copies and the answer is still No. 3:26 p.m."

Mr. Christopher Florian is one of the attorneys at General Counsel under Mr. David M. Tatarsky. This same Christopher Florian have denied me copies of my exhibits on my Criminal Case and my Civil Cases. He have instructed associate Warden Staley and Ms. Sandra Rhea-Rogers to deny appellant any

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any copies. This is a serious denial. Appellant have provided this Court with the proper PoS Kiosk date, number and names involved, if the Court should choose to properly investigate this matter.

There is a conspiracy against appellant and S&ED have the power to view the above document as proof.

Respectfully Submitted

Dated: 9/08/14

C: jgb
smp

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Pro se