

APPELLANT'S MOTION FOR LEAVE
TO PROCEED IN FORMA PAUPERIS

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
JOHN D. McLeod, ADMINISTRATIVE LAW JUDGE

CASE NO. : 2015-000322 MAR 12 2015

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SC Court of Appeals

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS, (S.C.D.C.),

Respondent,

v.

George Cleveland, III, #357770,

APPELLANT.

APPELLANT'S MOTION FOR LEAVE
TO PROCEED IN FORMA PAUPERIS

George Cleveland, III, #357770
EVANS CORRECTIONAL INSTITUTION
610 Hwy 9 West
Bennettsville, S.C. 29512
Pro se Litigant

1. RULE 240 MOTION:

PURSUANT to Rule 240 of the South CAROLINA Appellate Court Rules, the Appellant in the Above captioned CASE respectfully move this COURT to GRANT my motion FOR LEAVE to proceed IN FORMA PAUPERIS because I'm A STATE Inmate in the custody of the south CAROLINA DEPARTMENT OF CORRECTIONS (S.C.D.C.) with no funds to pay the one-hundred \$100.00 filing fee, see ATTACHED SUPPORTING AFFIDAVIT.

2. CASE-BACKGROUND:

This Appeal stems from A DISMISSAL by the A.L.C. ON JANUARY 26, 2015 signed AND Ruled on by Judge JOHN D. McLEOD REGARDING my step-2 grievance ion the lack of Recreation, on OR AROUND February 04, 2015, I signed for, AND Received the ORDER from my PRISON MAIL-ROOM.

A timely notice of appeal WAS FILED in this COURT, thus, this motion to proceed without pre-payment is now before the COURT.

3. ARGUMENT:

This particular case arose out of my displeasure with no recreation while at Kirkland, and currently no recreation at Evans, both prisons are part of the S.C.D.C. prison ~~sentence~~ system.

The A.L.C. summary dismissed my case because the court reasoned, it did not have jurisdiction because I did not state a Liberty Interest, see filed order of dismissal attached hereto.

I submit, there has been a slew of cases from other inmates as well that the A.L.C. has dismissed their cases.

I submit the A.L.C. was setup by the General Assembly to hear any and all perfected grievances by the S.C.D.C. inmates.

This appeal tries to settle the A.L.C. jurisdiction once and for all, thus, this is a non-frivolous appeal that is made in good-faith, therefore, my motion to proceed without pre-payment should be granted.

4. CONCLUSION:

Based on the foregoing, I respectfully request that this court GRANT my motion to ~~proceed~~ proceed in forma pauperis because I cannot AFFORD to pay the \$100.00 filing fee, and my appeal is non-frivolous, this appeal is to determine the function of the A.L.C., and AT WHAT route I have as an inmate to access the court, and WHAT COURT.

Recreation does not happen here. nor did it happen at Kirkland, so I'm challenging the lack of Recreation. My appeal would affect thousands of other inmates who are locked-up in prison dorms all-day without exercise.

✓ Respectfully Submitted,

George Cleveland III #357770
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, SC 29512

APPELLANT'S AFFIDAVIT IN SUPPORT
OF MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
JOHN D. MCLEOD, ADMINISTRATIVE LAW JUDGE

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SOUTH CAROLINA DEPARTMENT
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Respondent

v.

George Cleveland, III, #357770

APPELLANT.

APPELLANT'S AFFIDAVIT IN SUPPORT
OF MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

George Cleveland, III, #357770
EVANS CORRECTIONAL INSTITUTION
610 Hwy 9 West
Bennettsville, S.C. 29512
PRO-se LITIGANT

George Cleveland, III, #357770, SWears
under the penalty of perjury the
following regarding my inability to
pay the \$100.00 filing fee to the
South CAROLINA COURT OF APPEALS is
true, and correct:

1. The last six (6) months, \$0.29 has
been deposited in my COOPER-TRUST-
FUND account.
2. My current account balance is
\$0.02.
3. I do not EARN money while in
prison whatsoever.
4. I have been in the custody of the
S.C.D.C. since November 13, 2013. Serving
A six (6) year non-violent prison
sentence for poss. of stolen vehicle
over ten-thousand (\$10,000.00).

SWORN AND AFFIRMED THROUGH
AND by me:

4th day of March 2015

J Oullaw

Notary Public

2/24
My Commission Expires

[Signature]
Appellant's Signature

3-4-15
Appellant's Date

MARCH 08, 2015

the South CAROLINA COURT OF APPEALS
Attention: Jenny Abbott Kitchings
P.O. Box 11629
Columbia, S.C. - 29211

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MAR 12 2015


SC Court of Appeals

Re: Appellant's motion to proceed IN
FORMA PAUPERIS, Appellant, CASE
NO. ~~000~~ 2015-000322.

DEAR MRS. KITCHINGS,
Attached to this letter is my motion
to proceed IN FORMA PAUPERIS,
and supporting AFFIDAVIT.

CAN YOU PLEASE FILE AND FORWARD
TO A JUSTICE FOR HIS/HER CONSIDERATION?

Respectfully Requested,


George Cleveland, III #357770
Evans Correctional Institution
610 Hwy 9 West
Barnettsville, S.C. - 29512

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SC Court of Appeals

(5) 5
MARCH 03, 2015

the SOUTH CAROLINA COURT OF APPEALS
Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC - 29211

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MAR 05 2015

SC Court of Appeals

Re: George Cleveland, III, #357770, v. S.C.D.C.,
Appellate Case No. 2015-000322; Deficiency

Dear Mrs. Kitchings,

On February 23, 2015, your office mailed me a letter indicating that my case had been filed in the Court of Appeals and the three (3) deficiencies that must be corrected within ten (10) days of the letter; however, I did not receive the letter from my ~~prison~~ prison mail room until February 27, 2015.

I'm respectfully requesting a deadline of March 10, 2015, to correct the deficiencies which will allow me time to have copies made of the order from the A.L.C. Among other things.

Respectfully Submitted,
~~S/ [Signature]~~
George Cleveland, III #357770
EVANS CORRECTIONAL INSTITUTION
610 Hwy 9 West
Bennettsville, SC 29512

Dated: March 03, 2015

CASE # 2015-000322

PLEASE BE ADVISED

SEPARATE Request

Different CASE number.

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