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SEP 16 2015

SC Court of Appeals

APPELLANT'S FIRST MOTION FOR
AN EXTENSION TO FILE RECORD

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW
JUDGE

LOWER CASE NO. 2014-ALS-04-0771-AP

APPELLATE CASE NO. 2015-000183

George Cleveland, III, # 357720,

VS.

APPELLANT,

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

RESPONDENT.

APPELLANT'S MOTION FOR EXTENSION OF TIME

1

MOTION FOR EXTENSION OF TIME:

George Cleveland, III, proceeding pro se respectfully moves this court for an extension of time to file record for the following reasons:

PRISON LOCKDOWN; OTHER LEGAL DEADLINES.

2

RELEVANT CASE-BACKGROUND:

This court filed my Reply Brief on August 11, 2015. My record on appeal was due on September 10, 2015, within thirty (30) days after the service of the last brief, the appellant shall serve a copy of the record on each party as required by Rule 210 (A) S.C.A.R.

3

ARGUMENT:

My assigned prison: TURBETVILLE CORRECTIONAL

1.

WAS ON Lock-down FROM Sept. 05-
Sept. 08, 2015 NO S.C.D.C. STAFF
MEMBERS THAT DELIVERED FOOD TO MY
ROOM CARED ABOUT MY UPCOMING COURT
DEADLINE. AFTER REPEATED REQUESTS,
AND SUPPORTING EVIDENCE (CITED REPLY
BRIEF TIMELY IN THIS COURT AND INFORMAL
BRIEFING ORDER) FOR ACCESS TO THE LAW
LIBRARY OR AN REASONABLE ALTERNATIVE..

I WAS NOT ALLOWED TO EVER LEAVE
MY ROOM TO TAKE A SHOWER OR
MAIL OFF THIS MOTION PRIOR TO THE
DEADLINES.

TURBEVILLE CORRECTIONAL STAFF AND THE
S.C.D.C. VIOLATED MY FIRST AMENDMENT (ACCESS
TO THE COURTS) AND DUE PROCESS LIBERTY
INTEREST UNDER FOURTEENTH AMENDMENT) OF THE

↳ THIS COURT'S DEADLINE TO FILE RECORD ON
APPEAL WAS DUE SEPT. 10, 2015, AND INFORMAL
BRIEFS WERE DUE IN MY APPEAL WITH THE
FOURTH-CIRCUIT ON SEPT. 09, 2015, SEE ATTACHED
AFFIDAVIT (HEREINAFTER A.A.) AT PAR. 2.

United States Constitution

The United States Supreme Court Reasoned in *Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491, U.S. v. N.C. (1977) that prison officials must provide or alternative source of legal knowledge. *Id.*, at 1492-1493.

However; *Lewis v. Casey*, 518 U.S. 343, 116 S.Ct. 2174, U.S. v. ARIZ (1996) Requires that an inmate alleging a violation of *Bounds* must show actual injury. *Id.*, at 2183 for relief.

I submit, I suffered actual injury by missed the Sept. 10, 2015 deadline to file my record on appeal in this court because I was not allowed to go to the law library

OR PROVIDED AN REASONABLE ALTERNATIVE
TO LEGAL MATERIALS DURING PRISON -
LOCK-DOWN (S). THIS DENIAL OF MY
FEDERAL RIGHTS (S), HAS CAUSED ME
TWO (2) PENDING DEADLINES TO COLLIDE
WITH EACH OTHER, PRISON OFFICIALS, (S),
HAVE TURNED A BLIND EYE TO THIS
FUNDAMENTAL RIGHT; ACCORDINGLY I
HAVE SUFFERED ACTUAL INJURY UNDER
THE STANDING DOCTRINE.

4.

CONCLUSION:

BASED ON THE FOREGOING FACTS, INCLUDING
AFFIDAVITS ATTACHED HERETO, I RESPECTFULLY
REQUEST AN EXTENSION TO FILE MY RECORD
ON APPEAL UNTIL THE FOLLOWING DATE:

SEPT. 18, 2015,

~~20~~
21,

Respectfully submitted,

George Cleveland

George Cleveland #357710
TURBEVILLE CORRECTIONAL INST.
P.O. BOX 252
TURBEVILLE, S.C. 29162

4.

DATED: SEPT. 10, 2015

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW COURT

LOWER CASE NO. 2014-ALJ-04-0771-AP

APPELLATE CASE NO. 2015-000183

George Cleveland, III, #357720

vs.

APPELLANT,

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

RESPONDENT.

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SC Court of Appeals

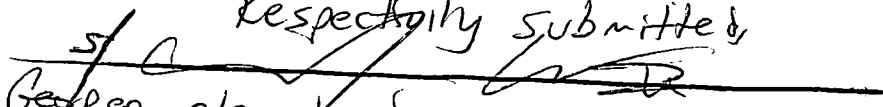
APPELLANT'S PROOF OF SERVICE

1,

George Cleveland, III, proceeding pro se,
certifies that on the date below has
served on the Respondent's counsel
the following:

APPELLANT'S FIRST MOTION FOR AN EXTENSION
TO FILE RECORD; SUPPORTING AFFIDAVIT;
COPY OF THE LETTER (DATED 9-11-15) REQUESTING
THE SPECIFIC SUBJECT MATTER OF THE MISSING
PROOF OF SERVICE; THIS COURT'S DEFICIENCY,
(AUGUST 19, 2015) TO THE FOLLOWING ADDRESS
WITH PROPER POSTAGE BY HANDING THE
ENVELOPE TO THE TURBEVILLE MAIL-ROOM STAFF!

S.C.D.C.
OFFICE OF GENERAL COUNSEL
MR. DANIEL JOHN CROOKS, III
P.O. BOX 21787
COLUMBIA, S.C. 29221-1787

Respectfully submitted,

George Cleveland, III, #352770
TURBEVILLE CORRECTIONAL INST.
P.O. BOX 252
TURBEVILLE, S.C. 29162

DATED: 9-14-15

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Sept. 14, 2015

SEP 16 2015

SC Court of Appeals

the South CAROLINA Court of Appeals
Jenny Abbott Kitchings, clerk
P.O. Box 11629
Columbia, S.C. 29211

Re: Appellant's motion Extension of
time, AFFIDAVITS, AND PROOF OF SERVICE

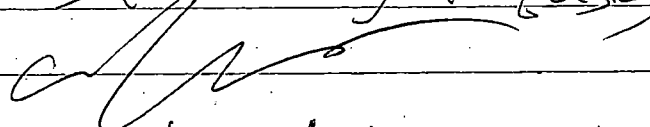
to BEAR MRS. Kitchings,

Attached to this letter is my
motion for extension of time
to file record, and supporting
documents

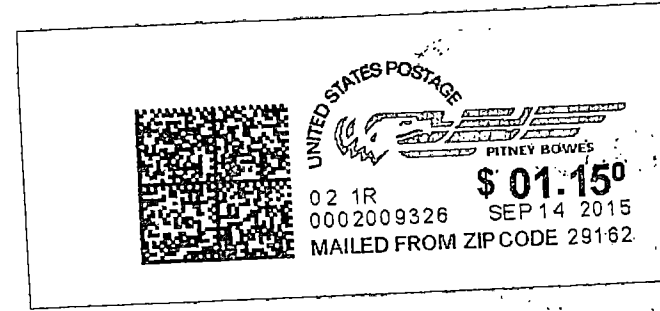
2. Can you please file and ~~process~~
process?

3. Can you also please kindly stamp
the extra copies in the self-
addressed stamped envelope and
mail back to me?

Respectfully Requested,


George C. Vel. And, III #35000

George Cleveland, III, #357770, TA 132
Turbeville Correctional Inst.
P.O. Box 252
Turbeville S.C. 29162



Legal - mail

The South CAROLINA Court of Appeals
Jenny Abbott Kitchings, CLERK
P.O. Box 11629
Columbia S.C. 29211

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