

The South Carolina Court of Appeals.

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NOV 24 2015

John Holloway #277261, Appellant
SC Court of Appeals

V.

South Carolina Dep't of Corrections . . ., Respondent.

C/A No.: 2015-001747

Affidavit of Information
to Support In Forma Pauperis.

Appellants Fundamental Rights to Equal Protection,
Access to the Courts and Due Process are being
denied by the South Carolina Court of Appeals,
See exhibit-A. Appellant was already approved
for Indigency and Granted In Forma Pauperis
in the Richland County Court of Common Pleas,
Case Number: 2013-CP-40-7077. Appellant filed
a Civil Action Raising the Claim of Gross

Negligence, due to S.C.D.C.'s Fraud and denial of Due Process at the Inmate Disciplinary Hearing, which violates their own Policy Statement, where it states in short, "... The administration and application of the inmate disciplinary system will be completed in compliance with all applicable state and Federal statutes, Rules and Regulations, and in a manner that ensures inmates are afforded adequate Due Process Protection." Appellant raised Gross Negligence because S.C.D.C. violated their Duty of Care by denying Appellant "A slight Case", when they committed Fraud by ordering a Disciplinary Rehearing without the Approval by the Division of Operations, then Finding Appellant Guilty at the Disciplinary Rehearing, which violates the above quoted Policy Statement. Therefore, appellants' Fundamental Rights are being violated by denying him his right to Proceed In Forma Pauperis in this Appeal, when In Forma Pauperis has already been granted in the Civil action. In Ex Parte Martin, 471 S.E.2d. 134-135. (1995), it stated, "Further, where certain Fundamental rights are involved, the Constitution requires that an indigent be allowed access to

the courts, compare Boddie V. Connecticut, 401. U.S. 371, 91. S. ct. 780; and Smith V. Bennett, 365. U.S. 708, 81. S. ct. 895." To deny Appellant To Proceed In Forma Pauperis when it has already been granted in the Civil action, would be denial of the Fundamental Right to Equal Protection, Right To Access the Courts and Due Process, which is also a violation of, U.S.C.A. 18 § 2412, Deprivation of Rights Under Color of Law. Boddie V. Connecticut, Supra, stated, "Due Process requires, ~~at~~ minimum, that absent countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given meaningful opportunity to be heard, U.S.C.A. Const. Amend. 14," as well, "Just as a generally valid notice procedure may fail to satisfy due process because of circumstances of the defendant, a cost requirement, valid on its face, may offend due Process because it operates to foreclose particular party's opportunity to be heard, U.S.C.A. Const. - Amend. 14," see also, "Access for all individuals to the courts is not a right that is, in all circumstances, guaranteed by the due process clause so that its

exercise may not be placed beyond the reach of any individual, U.S.C.A. Const. Amend. 14. IN - Smith V. Bennett, Supra, it stated, "Habeas Corpus proceedings brought by state prisoners, in state Court. The District Court, Lee County, Iowa, refused to docket the petitions without payment of a filing fee, and prisoners sought to appeal. The Supreme Court ~~of~~ of Iowa denied them such relief, and certiorari was granted. The Supreme Court, Mr. Justice Clark, held that the state, in making writ of habeas corpus available only to prisoners who could pay necessary filing fees, and in failing to extend privilege of the writ to its indigent prisoners, denied them equal protection of the laws. Reversed and Remanded; also, "to interpose any financial consideration between an indigent prisoner of a state and his exercise of a state right to sue for his liberty is to deny that prisoner equal protection of the laws, U.S.C.A. Const. Amend. 14." Therefore, Appellant seeks a Rehearing En Banc, pursuant to S.C.A.C.R. Rule 219(a)(2), and he be granted In Forma Pauperis in this Appeal sought in a Good Faith effort.

Appellant swears under oath and penalty of perjury that the above mentioned facts are true and correct and not meant to mislead.

This 15th day of November, 2015.

J. M. Holloway
John Holloway #297261
LCI. (EA-33)
P.O. Box 205
Ridgeville, SC 29472
Appellant, Pro Se.

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In The Court of Appeals.

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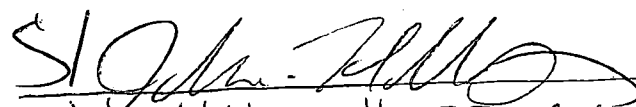
John Holloway #277261, Appellant,
V.
South Carolina Dept of Corrections, Respondent.

CA No. 2015-001747

Proof of Service.

I certify that I have served the Motion For Rehearing with attached Affidavit on the South Carolina Court of Appeals and on South Carolina Dept of Corrections by depositing a copy of it in the United States Mail, Postage prepaid, on 11-15-15, addressed to their attorney of record, Benjamin Joyce, P.A., HOOD LAW FIRM, LLC, 172 Meeting St., Charleston, SC, 29401.

This 15th day of November, 2015.


John Holloway #277261
LCI (EA-33)
P.O. Box 205
Ridgeville, SC 29472
Appellant, Pro Se.