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S.C. SUPREME COURT

Petitioner's supporting
Appendix in certiorari
petition

Appellate case NO

2015 000957

2 of 2

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PETITIONER'S APPENDIX IN SUPPORT
OF PETITION FOR A WRIT OF HABEAS CORPUS

MAR 30 2016

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM ADMINISTRATIVE LAW COURT

RALPH KING ANDERSON, III, CHIEF ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 2014-ALJ-040664-AP

APPELLATE CASE NO. 2015-000957

George Cleveland, III,

S CDC NO. 357770,

v.

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

PETITIONER,

RESPONDENT

George Cleveland III #357770
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
Turbeville, S.C. 29162
pro se petitioner.

APPENDIX IN SUPPORT OF
PETITION FOR A WRIT OF
CERTIORARI

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The South Carolina Court of Appeals

George Cleveland, III, #357770, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-000957

ORDER

Appellant has filed a motion to allow a late filing of his notice of appeal. After a careful consideration, the motion is denied and this appeal is dismissed because Appellant failed to timely serve the notice of appeal. See Rule 203(b)(6), SCACR (providing a notice of appeal from the administrative law court must be served within thirty days after receipt of the decision); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended . . ."); *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985) (explaining the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice of intent to appeal must be served).


FOR THE COURT

Columbia, South Carolina

cc:
George Cleveland, 357770
Daniel John Crooks, III, Esquire

FILED
5/19/15

APPELLANT'S NOTICE OF APPEAL
FROM ADMINISTRATIVE TRIBUNAL

page 2

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

RALPH KING ANDERSON, III, CHIEF ADMINISTRATIVE
LAW JUDGE

APPELLATE CASE NO. 12015-

George Cleveland III,
S.C.D.C. NO. 1357779

APPELLANT,

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

Respondent.

APPELLANT'S NOTICE OF APPEAL
FROM ADMINISTRATIVE TRIBUNAL

George Cleveland III, S.C.D.C. NO. 1357779,

proceeding pro se Appeals the Dismissal of
my disciplinary conviction from the
Administrative Law Court, Docket No. 14-ALT-
04-0664-AP, filed on February 27, 2015,

Received on March 03, 2015.

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MAY 04 2015

page 1 of 2.

SC Court of Appeals

RESPONDENT:

page 3

S.C.D.C.

OFFICE OF GENERAL COUNSEL

40 Mr. DANIEL JOHN CROOKS, III

P.O. Box 21787

Columbia, S.C. 29221-1787

LOWER COURT:

STATE OF SOUTH CAROLINA

ADMINISTRATIVE LAW COURT

1205 PENDLETON STREET, SUITE #224

Columbia, S.C. 29201

APPELLANT:

George Cleveland, III,

S.C.D.C. 357770

EVANS CORRECTIONAL INSTITUTION

610 Hwy 9 West

Bennettsville, S.C. 29512

Respectfully Submitted,

George Cleveland, III

S.C.D.C. 357770

DATED: APRIL 28, 2015
APPELLANT'S NOTICE OF APPEAL FROM
ADMINISTRATIVE TRIBUNAL
PAGE 2 OF 2

APPELLANT'S AFFIDAVIT IN
SUPPORT OF TIMELY FILED
NOTICE OF APPEAL, page 4

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW
COURT

RALPH KING ANDERSON, III CHIEF
ADMINISTRATIVE LAW
JUDGE

APPELLATE CASE NO. 2015-

George Cleveland, III,
S.C.D.C. NO. 357770, APPELLANT,

v.

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

APPELLANT'S AFFIDAVIT
IN SUPPORT, etc.

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MAY 04 2015

SC Court of Appeals

1. George Cleveland III, swears under the penalty of perjury the following is true and correct regarding the late notice of APPEAL in this case:

REASON FOR LATE FILING:

2. I signed for and received the dismissal signed by Chief Administrative Law Judge RALPH KING ANDERSON, III, Docket number: 14-AW-04-0664-AP on March 03, 2015.
3. The order was signed on February 27, 2015 and filed the same date.
4. Starting on March 21, 2015 Evans Correctional Institution has restricted me from legal research, legal paper, and obtaining legal copies because of multiple inmates were sicken with high fevers.
5. Normal operations did not happen until April 13, 2015.
6. At that time, I began to email staff here about needing legal paper, law library time, and legal copies for this appeal and others.

AFFIDAVIT IN SUPPORT OF timely filed page 6
NOTICE OF APPEAL, AND APPELLANT'S Rule
240 MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS TO the ADDRESS below:

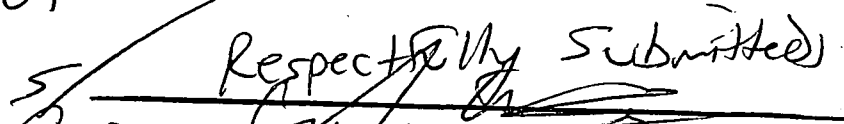
RESPONDENT:

S.C.D.C.
OFFICE OF GENERAL COUNSEL
c/o DANIEL JOHN CROOKS, III
P.O. Box 21787
Columbia, S.C. 29221-1787

George Cleveland, III certifies that on the date
below and with proper U.S. mail postage,
SERVED my NOTICE OF APPEAL on the SOUTH
CAROLINA ADMINISTRATIVE LAW COURT AT
the following address:

LOWER COURT:

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT
1205 Pendleton Street Suite # 224
Columbia, S.C. 29201

Respectfully Submitted

George Cleveland, III #357770

EVANS CORRECTIONAL INST
600 Hwy 9 West

Bennettsville, S.C. 29512

DATED: April 28, 2015
APPELLANT'S PROOF OF
SERVICE

PAGE 2 OF 2

PAGE 7

Dear Appellant:

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Number	Inmate Number	Inmate First Name	Inmate Last Name	Grievance No	Response Int	Filing Date	Date Assigned	Judge Last Name
14C0664	357770	GEORGE	CLEVELAND	ECI 210-14	DOC	8/27/2014	9/11/2014	ANDERSON

FILED

SEP 11 2014

ADMIN. LAW COL

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

December 30, 2014

SOUTH CAROLINA ADMINISTRATIVE LAW
COURTThe Honorable Ralph King
ANDERSON III1205 Pendleton Street; Suite #224
Columbia, S.C. 29201Re: George Cleveland, III #35770
S.C.D.C.; Docket no: 14-ALT-04-
0664-AP; motion to compel

1. DEAR Judge Anderson, I'm writing on legal lined paper because I cannot seem to receive plain-white legal paper from the business finance employee MRS. HOOKS here at EVANS.
2. I have sent her multiple email request over the last couple of months respectfully asking for a legal packet for pending legal deadlines
3. The legal packet includes 100 sheets of plain white

PAPER, AND 10 LEGAL-MAIL ONLY envelopes for a fee that is applied to my prison account.

4. The middle of November 2014, Mrs. Hooks responded stating she would have my legal packet ready for me at her "next issuance".

5. This "next issuance" as Mrs. Hooks refers it ~~to~~ happened for some inmates, but not me.

6. I wrote her again early in December 2014, but she has yet to respond, so I emailed Warden Willie Eagleton on or around December 20, 2014. He has yet to respond.

7. This deprivation of legal-paper has caused me to not be able to file a motion to compel regarding the above captioned case

because S.C.D.C. HAS NOT provided me with the entire Record on Appeal in this case.

8. The S.C.D.C. has left out of the Record of Appeal inmate's Michael Taylor hand-written statement of February 08, 2014 that was partially read on tape by the D.H.O. that is located on page-2 at the top of the transcript filed on or around December 19, 2014 by S.C.D.C. and also the photos taken by Captain Edge or Lt. Rose Graves on February 08, 2014 were also left out of the record filed by S.C.D.C. despite the photos being a part of the record and shown to me at my hearing see transcript page-2 near the middle

9. It seems a little puzzling to me how S.C.D.C. can somehow provide most of

the Record of Appeal 3 days AFTER they filed A motion for extra time to prepare the transcript Among other things.

10. This motion was in violation of this Court's ordered deadline of December 15, 2014 which was the second extension in this case for the same exact reason, but AFTER and only AFTER I filed A motion with this Court on or around December 17, 2014 requesting the Court other things order S.C.D.C. to dismiss my striking without A weapon charge, and thus apply the 60-days of good-time credit that was taken related to this appeal, and finally S.C.D.C. violated this Court's order.

11. Bottom line, S.C.D.C. has not provided the entire record of appeal and I do not have the legal paper.

to even Access this court with motions and Brief filings; therefore S.C.D.C. is depriving me of Accessing the Courts in violation of the United States Constitution

12. wherefore; order S.C.D.C. to explain why I cannot receive the proper legal material to Access the Courts.

13. Order S.C.D.C. to provide Inmate Michael Taylor's statement of February 08, 2014 who was the inmate I got into A fight with.

14. Any other Relief this court deems just and proper.

Respectfully Submitted,

S/ ~~C. L. I.~~

George Cleveland, III 35770, F4125
 Evans Correctional Inst
 610 Hwy 9 West
 Bennettsville, S.C. 29512

cc: file

S.C.D.C. office of General Counsel

AFFIDAVIT BY GEORGE CLEVELAND, III

page 13-1

APPELLATE CASE NO.

2015-000957

1. I, George Cleveland III, SWears under the penalty of perjury the following is true to the best of my knowledge:
2. ON MARCH 03, 2015 I signed for and received the ALC's ORDER OF DISMISSAL from the prison's mail-room at EVANS CORRECTIONAL INST.
3. I did not have enough legal-paper. to meet the JUNE 04, 2015 petition for rehearing in the S.C. COURT of Appeals while at EVANS CORRECTIONAL INST, despite requesting legal-paper prior to this deadline, and when I received legal paper, I had to personally hand-write 200-legal-documents for the JULY 13, 2015 filing.
4. ON 1/22/16, I signed and received an response from MR. M. BIALOCK of the U.S. SUPREME COURT DATED: 1/15/16 from the TURBEVILLE CORRECTIONAL INSTITUTION'S MAIL-ROOM

5. The date this Petition WAS MAILED WAS THE EARLIEST because of prison-lock-downs, inadequate LAW LIBRARY time, AND multiple other legal cases.

6. I missed deadline of August 17, 2015 to file Petition for a WRIT of Certiorari in the U.S. Supreme Court regarding this very Appellate number 2015-000957 because of prison-transfer, inadequate LAW LIBRARY time AND multiple prison lock-downs; missed deadline to file objections in Federal Court of S.C.J. CA No. 4:14-CV-02444-RBH-TER;

missed deadline to file objections due 12/29/15 because of prison-lock-down in CA No. 2:15-CV-00168-WCO-JCF, in U.S. Federal Court in Georgia Northeastern Div.

missed deadline to file Memorandum of LAW in support of GRANTING Petition for mandamus because of prison-lock-downs, AND inadequate LAW LIBRARY time due on 2/03/16 in Richland County; CA No. 2015-CP-40-5732; CONTINUANCE motion GRANTED AT HEARING ON 2/25/16.

Missed Deadline to prepare for P.C.R. in Oconee County Case: CA No. 2014-CP-37-718 held at the Anderson County Courthouse on 2/10/16 because of inadequate LAW LIBRARY time due to lock-downs. CONTINUANCE MOTION GRANTED at hearing; I WAS GRANTED permission to report to the prison-LAW-LIBRARY on Feb 02, 09, and 13, 2016, but prison lock-downs prevented me from reporting.

Missed petition for writ of Certiorari due 2/26/16 in Appellate case no. 2015-000697 in S.C. Appellate court because of inadequate LAW LIBRARY time.

And missed notice of appeal deadline in Rule 59(e) sanctions in this court; CA No. 2014-CP-23-1895 (P.C.R. Greenville County).

SWORN to and subscribed before me this
28th day of March 2016
Emily White (L.S.)
Notary Public for South Carolina

My Commission Expires: 4-27-2016

AFFIDAVIT'S SIGNATURE
S/ [Signature]

PETITION FOR A WRIT OF CERTIORARI

RECEIVED TO THE COURT OF APPEALS

JUL 13 2015 THE STATE OF SOUTH CAROLINA
SC Court of Appeals IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
RALPH KING ANDERSON, III, CHIEF ADMINISTRATIVE
LAW JUDGE

LOWER COURT CASE NO. 2014-ALJ-040664-AP
APPELLATE CASE NO. 2015-660957

GEORGE CLEVELAND, III,
S.C.D.C., NO. 357770,

PETITIONER,

v.

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

RESPONDENT.

PETITION FOR A WRIT OF CERTIORARI

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

George CLEVELAND III
MACDOUGALL CORRECTIONAL
1516 GILLIARD ROAD
RIDGEVILLE, S.C. 29472
PRO SE PETITIONER.

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The S.C.D.C./EVANS CORRECTIONAL INSTITUTION
DENIED ME ACCESS TO THE COURTS / I SUFFERED
ACTUAL INJURY;

BOUNDS VIOLATIONS; NOT PROVIDING TYPEWRITER/
THE S.C.D.C. IS NOT OPERATING AS A MODERN
PRISON SYSTEM;

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QUESTIONS PRESENTED

page 16

1. DID the S.C.D.C., AND EVANS CORRECTIONAL Institution deny me Access to the Courts by the FIRST AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION UNDER BOUNDS v. SMITH, 430, U.S., 817, 97, S. CT., 1491, U.S., N.C. (1977) by not ~~making~~ NO ALTERNATIVE to Access the Courts DURING PRISON Lock-down, IF SO, DID I SUFFER ACTUAL INJURY under Lewis v. Casey 518, U.S., 343, 116, S. CT., 2174, U.S., ARIZ, (1996) because I missed my deadline to file my Notice of Appeal with the South CAROLINA Court of Appeals, AND the South CAROLINA Court of Appeals denied my motion for timely filed Notice of Appeal supported by Affidavits which is in conflict with well-settled United States Supreme Court CASE-LAW?
2. DID the S.C.D.C., AND EVANS CORRECTIONAL Institution violate Johnson v. Avery, 393 U.S., 483, 89, S. CT., 747, (1969), AND BOUNDS v. SMITH, 430, U.S., 817, 97, S. CT., 1491, U.S., N.C. (1977) by not providing me A typewriter.

WORK, AND IF SO, DID I SUFFER ACTUAL INJURY UNDER Lewis v. Casey TO MY INDEX FINGER ON MY WRITING HAND? IF SO, IS THE TYPEWRITER REQUIRED BY Johnson v. Avery AND Bounds v. Smith OUTDATED?

page 17

RELEVANT CASES;

P18-18

EX. PARTE HULL, 312, U.S., 546, 61, S.Ct.,
640, 85, L.ED, 1034, (1941);

JOHNSON V. AVERY, 393, U.S., 483, 89, S. CT
747, (1969);

BOUNDS V. SMITH, 430, U.S., 817, 97, S.Ct., 1491,
U.S., N.C. (1977);

Hudspeth v. FIGGINS, 584, F.2D, 1345, C.A.,
U.A., (1978);

LEWIS V. CASEY, 518, U.S., 343, 116, S.Ct., 2174,
U.S., ARIZ., (1996);

KOCAYA V. KOCAYA, 347, S.C., 26, 552, S.E.,
2D, 765 (S.C. APP, 2001);

HENDRICKS V. S.C.D.C., 385, S.C., 625, 686,
S.E., 2D, 191, S.C., (2009).

STATEMENT OF THE CASE:

ON MARCH 03, 2015, I signed for AND Received from EVANS' CORRECTIONAL Institution MAIL-ROOM STAFF. The order of DISMISSAL signed by Chief Administrative LAW JUDGE RALPH KING ANDERSON, III, AND MAILED out on FEBRUARY 27, 2015, see Petitioner's Supporting AFFIDAVIT ID. AT PAR. 5; hereinafter (P.S.A.)

ON MARCH 07, 2015 AT 11:21 A.M., I emailed MRS. C. HOOKS through the LEGAL MATERIALS link on the INMATE kiosk system Requesting legal materials, I.E., Legal white paper, ink pens, AND LEGAL MAIL envelopes for upcoming LEGAL DEADLINES, see P.S.A. ID. AT PAR. 2 because I needed to file A NOTICE OF APPEAL with this court, see P.S.A. ID. AT PAR. 6,

-
1. All legal-MAIL is held by the MAIL-ROOM STAFF. AN ORDER-TO-REPORT (O.T.R.) is sent to ALL INMATES with the Specific DATE, AND time-RANGE to pick-up LEGAL-MAIL. I'm Required to sign for the MAIL AND the RECORD is DATED, see P.S.A. ID. AT PAR. 7.

ON MARCH 21, 2015 - APRIL 13, 2015,
 EVANS CORRECTIONAL INSTITUTION'S PRISON
 ADMINISTRATION ORDERED RESTRICTED MOVEMENT,
 AND SUBSEQUENT LOCK-DOWN WITH NO
 MOVEMENT BECAUSE AS THE PRISON
 ADMINISTRATION STATED INMATES WERE
 SICKEN WITH HIGH-FEVERS, SEE P.S.A.
 ID. AT PAR. 4 - _____
 (DETAILED DAILY LOG; AND OTHER SUPPORTING FACTS),

FROM APRIL 03, 2015 - APRIL 14, 2015, MY
 CELL-ROOM WAS WITHOUT LIGHT BECAUSE OF
 A BROKEN LIGHT SWITCH, SEE P.S.A., ID AT
 PAR. 4.

THE ABSENCE OF A LIGHT FOR ELEVEN (11) DAYS
 ALTHOUGH NOT DIRECTLY RELATED TO MY DENIAL
 OF ACCESS TO THE COURTS, SHOWS HOW
 POOR MANAGEMENT CAUSED THE LONG DELAY
 ID.

ON APRIL 13, 2015 PRISON ADMINISTRATION

2.

Resumed NORMAL OPERATIONS.

ON APRIL 17, 2015, SOME FORTY-TWO (42) DAYS LATER AT 1:56 P.M., MRS. HOOKS RESPONSE EMAIL STATED THE FOLLOWING:

“ I will add your name to the list for the next distribution, see P.S.A., ID. AT PAR. 3 .

I did not receive legal materials until APRIL 27, 2015, see P.S.A., ID. AT PAR. 8 .

I began the grueling task of hand-writing my legal documents. My legal supporting AFFIDAVIT WAS NOTARIZED ON APRIL 28, 2015, AND PERSONALLY HANDED MY NOTICE OF APPEAL IN THIS MATTER ON APRIL 28, 2015. AS WELL, see P.S.A., ID AT PAR. 9 .

APRIL 28, 2015, OVER THIRTY-SIX (36) DAYS LATER; THEREFORE, THE DEPRIVATION OF LEGAL-

2. NORMAL OPERATIONS AT EVAN'S SIMPLY MEAN ALL INMATES ARE FREE TO MOVE AROUND THE PRISON YARD TO GO TO SCHOOL, CHAPAL, LEGAL RESEARCH, AND SO ON, see P.S.A. ID. AT PAR. 4 .

3.

white paper, ink pens, and legal-mail envelopes is unconstitutional under the First Amendment (Access to the courts), and Fourteenth Amendment (due process LIBERTY INTEREST; Equal protection under the LAWS) of the United States Constitution.

Even if there was no prison lockdown, I still would have missed my deadline because pursuant to RULE 203 S.C.R.A.C. (B) (6) NOTICE OF APPEAL FROM: "Administrative TRIBUNALS" ... within thirty (30) days AFTER Receipt of the decision.

AS I ARGUED EARLIER, I RECEIVED THE ORDER OF DISMISSAL FILED FEBRUARY 27, 2015, AND I SIGNED AND RECEIVED THE ORDER ON MARCH 03, 2015, I.D.; thus, triggering the 30 day deadline to file NOTICE OF APPEAL WITH THIS COURT; LEGAL MATERIAL REQUEST ON

MARCH 07, 2015, see P.S.A., I.D. AT ^{page 23} PAR. 2, which left twenty ^{-six} (26) days for MRS. Hooks to provide me with LEGAL MATERIALS so I could have filed my Notice of Appeal before the 30 day deadline, but she failed to provide the tools that are required to communicate with this court, and all other courts in South Carolina, and that's legal paper, ink pens, and legal envelopes which I had none of the legal materials, SUPRA, see P.S.A., I.D. AT PAR. 10.

EVANS CORRECTIONAL INSTITUTION'S WARDEN Willie Eagleton, and staff member MRS. C. Hooks failed to afford me access to LEGAL MATERIALS through the MARCH 21, 2015 - APRIL 13, 2015 by not making a reasonable alternative

page 24

to Access the courts, I.E. providing
Legal paper, Ink pens, or envelopes.

MRS. HOOKS continued to block my
Access to the courts even after
the institutional lock-down, see
P.S.A. ID. at PAR. 3 because I
did not receive my legal materials until
April 27, 2015, see P.S.A. ID. at PAR. 8
caused me actual prejudice because
my notice of appeal was not mailed
out until April 28, 2015.

ON MAY 19, 2015, this court denied my
motion and my affidavit in support of
my late notice of appeal from the
Administrative Law Court.

the court cited *Mears v. Mears*, 287,
S.C., 168, 337, S.E., 2d, 206 (1985) and
reasoned "the notice of appeal is a
jurisdictional requirement and the Appellate

COURTS HAVE NO AUTHORITY TO EXTEND
 THE TIME... SEE PETITIONER'S ATTACHED
 APPENDIX ID. AT 55, (HEREINAFTER P.A.A.)

I RECEIVED THE ORDER OF DISMISSAL
 FROM THIS COURT ON MAY 22, 2015,
 SEE P.S.A., ID AT PAR. 11.

ON JUNE 04, 2015, THIS COURT ISSUED
 THE REMITTUR ~~AND~~ I RECEIVED IT ON
 JUNE 08, 2015, SEE P.S.A. ID. AT PAR. 12.

THE UNITED STATES SUPREME COURT FIRST
 ADDRESSED THE FUNDAMENTAL RIGHT TO ACCESS
 THE COURTS SINCE I'M AN INMATE STARTING
 WITH EX. PARTE HULL, 312 U.S., 546, 61,
 S. CT., 640, 85, L. ED., 1034, (1941) STRICKING-
 DOWN A PRISON REGULATION THAT REQUIRED
 INMATES' LEGAL FILINGS TO BE FIRST REVIEWED
 BY AN "LEGAL INVESTIGATOR" BEFORE FILING
 WITH THE COURT. THE COURT REASONED "THE
 STATE AND ITS OFFICERS MAY NOT ABRIDGE
 OR IMPAIR PETITIONER'S RIGHT TO APPLY TO
 A FEDERAL COURT FOR A WRIT OF HABEAS
 CORPUS", ID. AT 549, 61, S. CT. AT 641,

IN JOHNSON v. AVERY, 393 U.S. 483, 89, S.Ct., 747, (1969), the United States Supreme Court struck down a Tennessee Prison Regulation forbidding illiterate or poorly educated prisoners from seeking help from other inmates, *id.* at 749.

Petitioner William Joe Johnson filed Action in United States District Court for the Middle District of Tennessee requesting Law Books, and typewriter.

The Court reasoned that "where Government fails to provide the prison with the legal counsel it demands the prison generates its own," *id.* at 754. The Court further reasoned that if the courts is to available to the indigents among us, *id.* at 755. The Court, thus affirmed the District Court order that required "[Law] Books and Typewriter," *id.*

IN BOUNDS v. SMITH, 430 U.S. 817, 97,

S. Ct., 1491, U.S., N.C. (1977) Inmate Robert (Bobby) Smith challenged the constitutionality of the Inadequate Legal Library Access to courts under the First Amendment and Equal protection under the United States Constitution because the North Carolina Prison system that was inadequate for inmates to "set forth a non-frivolous claim," ID. AT 1497,

The issue presented to the court was the right of prisoners to access the courts by "providing them with law libraries or alternative source of legal knowledge," ID. AT 1492-1493,

The United States Supreme Court reasoned in order to prevent "effectively foreclosed access" indigent prisoners must be allowed to file appeals and Habeas corpus petitions, ID. AT 1495,

The court reasoned that "the cost of protecting a constitutional right cannot justify its total denial" and noted

This is not the first time Mrs. Hooks has ignored my legal materials request.

On December 30, 2014, I wrote the A.L.C. Attention: Judge Ralph King Anderson, ~~the~~ the multiple emails I sent to Mrs. Hooks in the middle of November 2014 regarding the need for legal paper to file my brief for this very same ALC case this petition is relevant to, see P.S.A. ID at PAR 14, see also P.A.A. ID at 38-42.

the S.C.D.C.'s own policy S.C.D.C. GA-01.03 (Access to the Courts) caused me actual injury by failing to provide an alternative as the United States Supreme Court required in Johnson v. Avery, 393 U.S. 483, 89 S. Ct. 747 (1969) ID. at 753.

the relevant part of this policy
 § 1 (General Provisions) states the following:

"Inmates within the S.C.D.C. will have Access to LAW MATERIALS".

This policy falls short of a specific requirement of alternative access to the courts when there is institutional lock-down, i.e., providing legal materials to my cell, and providing a direct communication by non-electronic means to contact prison administration. I suffered prejudice by the S.C.D.C.'s access to the courts policy by not mandating access to the court procedures during lock-down under Lewis v. Casey, 518 U.S. 343, 116 S.Ct. 2174, U.S. ARIZ. (1996), ID. AT 2183,

IN SUM, MRS. Hooks denied me access to the courts by failing to provide me with legal paper, ink pens, and envelopes as required by Bounds v. Smith, ID. AT 824-825,

the particular inadequacy in my case demanded by Lewis v. Casey, ID. AT

2183 is the failure of MRS. C. Hooks to provide me with LEGAL PAPER, INK PENS, AND LEGAL ENVELOPES which I had none of, see P.S.A. ID. AT PAR. 10; caused me to miss my deadline to file my notice of Appeal timely IN my A.L.C. CASE; Accordingly, MRS. C. Hooks, AN EMPLOYEE AT EVANS CORRECTIONAL INSTITUTION which is PART of the S.C.D.C., denied me Access to the COURTS, due PROCESS violation (Liberty Interest)³, AND equal PROTECTIONS under the LAW.

The S.C.D.C. AND WARDEN WILLIE EAGLETON OF EVANS CORRECTIONAL INSTITUTION FAILED TO provide me with AN ALTERNATIVE to Access LAW BOOKS, AND Rules of the COURT during the INSTITUTIONAL Lock-down which caused

3. The Liberty Interest under the United States Constitution's 14th Amendment § 2 because of the Loss of 60 days of Good-Time stemming from my disciplinary conviction, see P.A.A. ID AT 17,

me prejudice under Lewis v. Casey,
 ID. At 2179, the specific inadequacy
 in my case demanded by Lewis v.
 Casey, ID. At 2183 is the no alternative
 to legal books, or rules of court which
 even if I had paper, pens, and envelopes,
 I still could make certain I'm following:

The requirement of how the court forms
 are suppose to be written, who I'm suppose
 to serve, and reading relevant case-law
 to prepare myself for writing my
 briefs, etc., caused me prejudice;
 consequently, the S.C.D.C., and Warden
 Willie Eagleton denied me access to the
 courts.

BOUNDS VIOLATION; NOT PROVIDING
 TYPEWRITER/ THE S.C.D.C. IS NOT OPERATING
 AS A MODERN PRISON SYSTEM:

IN JOHNSON v. AVERY, SUPRA, the United States
 Supreme Court first required state prisons
 to provide TYPEWRITERS, ID. AT 754.

This WAS 1969, forty-six (46) YEARS
 AGO, AND THE COURT, ID., REAFFIRMED
 THE USE OF A TYPEWRITER IN BOUNDS
 V. SMITH, SUPRA, ID. AT 824, EIGHT (8)
 YEARS AFTER JOHNSON; BUT THE S.C.D.C.
 AND EVANS CORRECTIONAL INSTITUTION
 HAVE NOT PROVIDED A TYPEWRITER IN
 THE LAW-LIBRARY OR PROVIDED ONE DURING
 INSTITUTIONAL LOCK-DOWNS OR THE ENTIRE
 TIME I WAS ASSIGNED AT EVANS
 CORRECTIONAL, SEE P.S.A., ID AT PAR. 15.

THE ABSENCE OF A TYPEWRITER HAS CAUSED
 MY INDEX-FINGER TO HURT EVERY TIME I
 HAND-WRITE MY LEGAL DOCUMENTS, EVEN
 THOUGH OTHER S.C.D.C. PRISONS ARE PROVIDED
 TYPEWRITERS TO TYPE THEIR LEGAL DOCUMENTS
 BUT, NOT PROVIDED AT EVANS CORRECTIONAL
 INSTITUTION IS UNCONSTITUTIONAL UNDER THE
 FOURTEENTH (14TH) AMENDMENT § 1 (EQUAL
 PROTECTION OF THE LAWS) OF THE UNITED
 STATES CONSTITUTION BECAUSE THE S.C.D.C.
 INMATE ACCESS TO THE COURTS, ID., § 1

GENERAL PROVISIONS STATES: "INMATES within the S.C.D.C. will have Access to LAW MATERIALS through established CORE SATELITE LAW LIBRARIES located within S.C.D.C. INSTITUTIONS"... IS NOT APPLIED EQUALLY AT ALL S.C.D.C. INSTITUTIONS AS REQUIRED BY ITS' OWN POLICY, ID.

THAT HAVE LAW LIBRARIES. I SUBMIT, EVANS CORRECTIONAL INSTITUTION HAS A LAW LIBRARY, SEE P.S.A., ID. AT PAR. 21, THUS THE S.C.D.C. ACCESS TO THE COURTS POLICY, ID, THAT REQUIRES A TYPEWRITER AND MY INDEX-FINGER ON MY WRITING HAND HURTS EVERYTIME I HAND-WRITE MY LEGAL DOCUMENTS, P.S.A., ID., ARE ACTUAL INJURIES UNDER LEWIS V. CASEY, ID. AT 2179; THEREFORE, THE

S.C.D.C. AND WARDEN WILLIE EAGLETON DENIED ME ACCESS TO THE COURTS, AND EQUAL PROTECTION UNDER THE LAW.

S.C. CODE OF LAWS ANN. § 24-1-20 (1962)

page 41

states in relevant part related to the typewriter;

"It shall be the policy of this state... the S.C.D.C. operations "be consistent with the operation of a modern prison system."

I submit, the S.C.D.C. has failed to provide modern technology to type my legal documents, I.E., personal computer (P.C.) installed with Microsoft Word or similar software as required by state law, supra.

The S.C.D.C. employees already have installed on their computers Microsoft Word or similar software, see P.S.A. ID at par. 16, but not on the computers in the prison law libraries nor in the computer labs, where the computers are solely used by inmates, see P.S.A. ID. at par. 17.

Typewriters are not ~~modern~~ modern because innovation has long pushed

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it to the backseat, AND P.C., AND Laptops have taken over AS I indicated EARLIER, the S.C.D.C. HAVE P.C.'S, but HAVE installed them with updated word software which would make them modern, thus, does-not comply with state-law.

IN *Riley v. CALIFORNIA*, No. 13-132 (Syllabus), Chief Justice John Roberts of the United States Supreme Court writing for the MAJORITY wrote the following RELEVANT PART:

CC modern cell-phones, which are now such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy," syllabus opinion, ID At 9.

the Riley case deals with the WARRANTLESS searches of cell-phones by the Police, this case is relevant to my instant Petition because of the technological advances

of the cell phone, such as a smart phone which the court reasoned "was unheard of ten years ago, I.D.

The same is true regarding the typewriter, and the P.C.

The relevant sole technological advancement of the P.C., and Microsoft Word software are;

- I can type my legal documents;
- Select the font size;
- Select page margins;
- Type symbols, footnotes, delete words, and the use of bold font just to name a few.

Typing on a P.C. is more modern than a typewriter because once I type my legal documents once, I can print the number of copies I need⁴, which saves me time by not being forced to hand-write all my legal documents to be filed by the court,

4. As I stated earlier, S.C.D.C. policy GA-01.03 (Inmate's Access to the Courts) § 12.2 restricts my handwritten legal documents from being photocopied, see P.S.A. I.D. At PAR. 18,
25,

AND served on the Respective parties,
 e.g., IF I hand-write twenty (20) pages,
 including proof of service, AND supporting
 AFFIDAVITS FOR AN A.L.C. Appeal, I will
 have to handwrite A Rough-DRAFT,
 AND A copy FOR this COURT, AND A copy
 to the S.C.D.C. FOR A TOTAL of sixty (60)
 handwritten copies which is BRUTAL on
 my index-finger on my writing hand, AND
 consumes a lot of my time, see P.S.A.
 I.D. AT PAR. 19.

IN Riley, I.D., the COURT FURTHER REASONED
 THAT "BEFORE cellphones, A SEARCH OF A
 PERSON WAS limited by physical NARROW
 INTRUSION OF PRIVACY, I.D. AT 17 (SYLLABUS)
 CITED RESEARCH OF KERR. FORWARD Accounting
 FOR technological change, 36 HARV. J.L.,
 AND Pub. Poly, 403, 404-405 (2013).

I submit, JOHNSON v. AVERY, AND BOUNDS
 V. SMITH, SUPRA, type writer requirement SO
 I CAN type my legal-documents is OUTDATED

because the typewriter is outdated with software that provides so much more that would make my legal documents look modern as state law requires, ID.

my pain in my handwriting index-finger, and the deliberate deprivation of a typewriter at Evans Correctional Inst. is actual injury under Lewis v-Casey, ID. At 2179; consequently, is a Johnson v. Avery, and Bounds v. Smith, SUPRA, violations denial of Access to the Courts and equal protection of the Law, I.E. S.C.D.C. policy GA-01.03 (Inmate Access to the Courts) § 1 "Inmates within the S.C.D.C. will have Access to ~~LAW~~ MATERIALS".

CONCLUSION:

MRS. C. Hooks of Evans Correctional Inst. caused me to miss my NOTICE OF APPEAL deadline in this Court, and it even took her over thirty-nine (39) days to even

Respond. the lack of oversight by WARDEN Willie Eagleton, AND PRISON officials of the S.C.D.C. by not checking on the job performance of MRS. C. Hooks, in fact, WARDEN Eagleton himself ignored my request for him to intervene to find out why such the long delay in me receiving my legal materials, see P.S.A. ID. AT PAR. 14.

DURING the EVANS CORRECTIONAL INSTITUTIONAL LOCK-DOWN, NO EVANS CORRECTIONAL INSTITUTION employees came to my room checking to see if I needed legal materials, further, there were no staff members distributing REQUEST-TO-STAFF-MEMBER (R.S.T.M.) FORM 19-11 so I could communicate with staff to request legal materials, see P.S.A. ID. AT PAR. 20.

I PRAY that this court GRANT my Petition FOR A WRIT OF CERTIORARI because there ARE substantial constitutional issues directly involved, I.E. 1st AND 14th

Amendment of the United States Constitution,
 Furthermore, my Federal Constitutional
 Right to Access to the Courts, Due Process
 (Liberty INTEREST), AND Equal Protection
 of the laws have been consistently
 Ruled by the United States Supreme
 COURT AS A FUNDAMENTAL RIGHT FOR
 Inmates to have:

ACCESS TO THE COURTS'

EX PARTE HULL, SUPRA;
 JOHNSON V. AVERY, SUPRA;
 BOUNDS V. SMITH, SUPRA;
 AND LEWIS V. CASEY, SUPRA.

The South CAROLINA COURT OF APPEALS order
 filed May 19, 2015 dismissing my NOTICE
 OF Appeal AS untimely under MEARS V.
 MEARS, 287, S.C. 168, 337, S.E., 2d. 206
 (1985) is in conflict with decisions
 of the United States Supreme Court
 because prison Administration must provide
 me Access to the Courts, AND my missed

deadline caused by not provided with
 PAPER, PENS, ENVELOPES, LAW BOOKS, TYPEWRITER
 AND Rules of COURT BOOKS caused me
 Actual INJURY under Lewis v. Casey;
 Accordingly, this COURT should use its'
 JUDICIAL DISCRETION AND GRANT my
 Petition for a WRIT OF CERTIORARI
 because of the important constitutional
 Rights, AND the substantial benefit
 of the other inmates similarly situated.

I leave with this quote from William Joe
 Johnson, the Tennessee inmate in
 Johnson v. Avery, 393 U.S. 483, 89 S.Ct.,
 747 (1969) over 46 years ago:

(When I arrived at the PRISON AND
 discovered that no one including
 the PRISON officials knew how long my
 sentence was I had to resort to fighting
 my case to keep my sanity, ID AT 755.

this quote by MR. JOHNSON four (4) decades
 ago is relevant in my case because no
 one including the PRISON officials at
 EVANS, I.E., MRS. C. HOOKS, WARDEN Willie

Eagleton, AND S.C.D.C. PRISON ADMINISTRATION
knew, it's they didn't care to know.
NO PRISON OFFICIAL AT EVANS HAD
A INCH OF CARING ABOUT COURT DEADLINES,
NOT JUST FOR ME, BUT THE OTHER THOUSAND
(1,000) PLUS INMATES AT EVANS THAT
MAY ALSO HAVE MISSED A COURT DEADLINE
BY NO FAULT OF THEIR OWN LIKE MY
MISSED DEADLINE.

WHAT DID PRISON THESE PRISON OFFICIALS DO
WITH THE EXTRA-TIME WHEN THE ENTIRE
PRISON WAS LOCK-DOWN? I CRAVE TO
KNOW, BUT SUBMIT THE EVIDENCE ATTACHED
HEREIN AS PART OF THE RECORD, PROVES
THAT EVEN MONTHS PRIOR TO THE LOCK-DOWN,
THERE WAS ALSO PROBLEMS WITH GETTING
PAPER, PENS, AND ENVELOPES.

MY RIGHT TO ACCESS THE COURTS CAN NO LONGER
BE VIOLATED, IF THIS COURT GRANTS MY
PETITION FOR A WRIT OF CERTIORARI, WHEREBY
THIS COURT CAN PUT AN END TO THIS
SUBSTANTIAL DENIAL OF ACCESS TO THE
COURTS.

APPELLATE CASE NO.
2015-000957

APPELLATE CASE
NO.
2015-000957

LAST PAGE OF
PETITION FOR A WRIT OF
CERTIORARI TO THE COURT OF APPEALS

Respectfully Submitted,



George Cleveland, III, #357770,
MACDOUGALL CORRECTIONAL INSTITUTION
1516 GILLIARD ROAD
RIDGEVILLE, S.C. 29472

DATED: July 07, 2015

PETITIONER'S AFFIDAVIT IN
SUPPORT OF PETITION FOR
A WRIT OF CERTIORARI

RECEIVED

JUL 13 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

RALPH KING ANDERSON, III, CHIEF ADMINISTRATIVE
LAW COURT JUDGE

LOWER COURT CASE NO. 2014-ALJ-040664-AP

APPELLATE CASE NO. 2015-000957

GEORGE CLEVELAND, III,
S.C.D.C. NO. 35777D,

PETITIONER,

v.

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

RESPONDENT.

PETITIONER'S AFFIDAVIT

AFFIDAVIT OF GEORGE CLEVELAND, III

1. I, George Cleveland, III, SWears under the Penalty of PERJURY the following is TRUE AND CORRECT REGARDING ACTUAL INJURY AT EVANS CORRECTIONAL INSTITUTION, 610 Hwy 9 West, Bennettsville, S.C 29512,;

2. I wrote MRS. C. HOOKS on the Inmate kiosk system under the Legal material Tab on MARCH 07, 2015 AT 11:21 A.M. the following:

DEAR MRS. C. HOOKS, I need Legal paper, pens, AND Legal mail envelopes for pending Legal court filings, CAN you please send me some Legal material for this purpose Respectfully Requested, George Cleveland, III,

the kiosk number for this email is: 15-509849.

3. MRS. C. HOOKS Responded on APRIL 17, 2015 AT 1:56 p.m. the following:

I will add your name to the list

FOR THE NEXT DISTRIBUTION.

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4. MARCH 25, 2015 - APRIL 13, 2015 PARTIAL OR TOTAL LOCKDOWN AT EVANS CORRECTIONAL INSTITUTION IN MY DORM (WAXHAW ASIDE) DORM I WAS TOLD BY STAFF THAT INMATES WERE SICK AROUND THE PRISON.

APRIL 01-14, 2015, MY LIGHT SWITCH IN MY CELL ROOM WAS BROKEN IN ROOM 258 OF WAXHAW (A-SIDE), I HAD NO LIGHT IN MY ROOM AFTER DARK.

5. I SIGNED FOR AND RECEIVED THE ADMINISTRATIVE LAW COURT ORDER OF DISMISSAL SIGNED BY CHIEF ADMINISTRATIVE LAW JUDGE RALPH KING ANDERSON, III; DOCKET NO: 14-ALJ-04-0664-AP ON MARCH 03, 2015 FROM THE EVAN'S CORRECTIONAL INSTITUTION'S MAIL-ROOM STAFF.

AN ORDER TO REPORT (O.T.R.) IS REQUIRED TO WALK UP TO THE MAIL-ROOM WINDOW. THE O.T.R. HAS THE SPECIFIC DATE AND TIME-RANGE FOR PICK-UP MY LEGAL-MAIL.

I WILL BE CHARGED WITH OUT OF PLACE IF I WALK UP TO THE MAIL-ROOM WITHOUT AN O.T.R.

- 6. My 30-DAY deadline to file AN Notice in the SOUTH CAROLINA COURT OF APPEALS Appending the A.L.C. ORDER OF DISMISSAL for Docket number 14-ALJ-04-0664-AP;
- 7. I cannot walk-up to the MAIL-ROOM window to pick-up my LEGAL-MAIL until I received AN O.T.R. with the time frame AND specific date to pick-up legal mail. I must sign for the LEGAL-MAIL where it's DATED. I would be charged with out-of-place if I walk-up to the mail room without AN O.T.R. this procedure is only for EVANS CORRECTIONAL INSTITUTION AS FAR AS I KNOW;
- 8. I received my LEGAL PAPER, INK PENS, AND ENVELOPES ON APRIL 27, 2015.
- 9. I hand-wrote A ROUGH-DRAFT notice of Appeal, SUPPORTING AFFIDAVITS, SUPPORTING MOTIONS, AND A COPY FOR THE COURT; AND A COPY FOR THE S.C.D.C.
- 10. I had no white-paper, INK PENS, OR LEGAL-MAIL envelopes to prepare my notice of Appeal A.L.C. Docket No. 14-ALJ-04-0664-AP.

11. ON MAY 22, 2015, I RECEIVED THE SOUTH CAROLINA COURT OF APPEALS DISMISSING MY NOTICE OF APPEAL AS UNTIMELY FROM THE MACDOUGALL CORRECTIONAL INSTITUTION'S MAIL-ROOM.
12. I RECEIVED THE REMITTUR FROM THE SOUTH CAROLINA COURT OF APPEALS AT THE MACDOUGALL CORRECTIONAL INSTITUTION'S MAIL-ROOM ON JUNE 08, 2015.
13. EVANS CORRECTIONAL INSTITUTION OR MACDOUGALL CORRECTIONAL INSTITUTION WILL NOT PHOTO-COPY NONE OF MY HAND-WRITTEN LEGAL DOCUMENTS UNLESS THEY ARE FIRST STAMPED BY THE RELEVANT COURT WHICH DOES ME NO GOOD BECAUSE I WOULD HAVE TO WAIT UNTIL I RECEIVE THE STAMPED COPY FROM THE CLERK OF COURT SO I HAND-WROTE ENOUGH COPIES TO SERVE ALL PARTIES AND THE COURT.
14. I EMAILED MRS. C. HOOKS TWICE IN NOVEMBER OF 2014, REQUESTING PROPER LEGAL MATERIAL, I.E., LEGAL WHITE PAPER, INK PENS, AND LEGAL ENVELOPES TO PREPARE MY BRIEF AND OTHER FILINGS WITH THE

A.L.C. which is a part of this case, I.E., A.L.J. 04-0664-AP, AND emailed WARDEN Willie Engleton in December OF 2014 complaining About the long Delay by MRS. C. Hooks in providing me Legal materials,

15. The entire time I WAS AT EVANS CORRECTIONAL INST., THE LAW LIBRARY NEVER EQUIPPED WITH A TYPEWRITER, OR DURING THE INSTITUTIONAL LOCK-DOWN NO TYPEWRITER WAS PROVIDED FROM MARCH 21; - APRIL 13, 2015.
16. OFTEN I SEEN NOTES POSTED ALL AROUND EVANS CORRECTIONAL INST. THAT WAS TYPED ON A P.C. FROM WORD SOFTWARE.
17. AT EVANS CORRECTIONAL INST., THE TWO (2) P.C.'S IN THE LAW LIBRARY ARE NOT INSTALLED WITH WORD SOFTWARE, NOR DOES THE P.C.'S IN THE COMPUTER LAB. THE LAW LIBRARY, AND THE COMPUTER LABS ARE BOTH LOCATED IN THE EDUCATION BUILDING.
18. I HAVE TO HAND-WRITE ALL MY LEGAL DOCUMENTS FOR COURT NO MATTER THE NUMBER OF PAGES OR THE NUMBER OF PARTIES I NEED TO SERVE.

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I constantly hand-write 30-60 page motions, complaints, monthly. All are non-frivolous,

19. My writing hand is my right-hand. My index-finger becomes extremely painful when I write for long periods of time, e.g., it took me eight (8) hours to hand-write my petition for this court which is 32 pages. This doesn't include the respondent's copy I also have to hand-write. I took my time to prevent errors, waste of paper, and no access to write-out.

20. During March 21-April 13, 2015, no Evans Correctional Institution employee provided R.T.S.M. Form 12-11, checked to see if I had legal deadlines, provided no case law books, no typewriters, or rules of court book, which I repeatedly ask for these things,

the only staff that opened my door only provided me with food, and my prescription medicine.

Staff responded by saying: "write a

Request" REGARDING MY REQUEST FOR ^{PAGE 58}
PAPER R.T.S.M., despite my pleas that
I HAD NO PAPER, OR PEN TO WRITE
WITH.

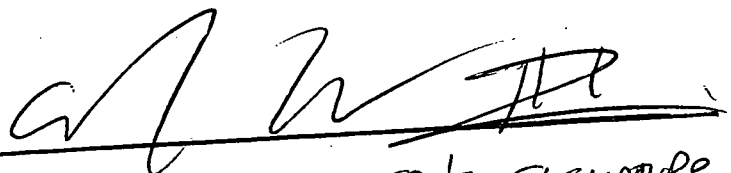
STAFF MEMBERS WERE:

Sgt. Heyward
L.T. PERRY POWELL
Sgt. Rivers
Cpl. Lovic.

THE FOLLOWING NEVER CAME TO MY ROOM OR
NEAR MY ROOM TO CHECK ON ME FROM MARCH
21 - APRIL 3, 2015
WARDEN WILLIE EAGLETON
ASSOCIATE WARDEN ANNIE SELLERS
ASSOCIATE WARDEN ROLAND McFADDEN
MAJOR CHARLES WEST, OR SHIFT
CAPTAINS WALKED AROUND

21. EVANS CORRECTIONAL INST. HAS A
LAW LIBRARY THAT WAS FULLY FUNCTIONING
THE ENTIRE TIME I WAS ASSIGNED TO
THE INSTITUTION

State of SC County of Berkeley
The foregoing instrument was acknowledged before me
this 8th day of July, 2015
by George Cleveland
Lisa M. Cross Notary Public
My Commission Expires Jan 16, 2024


PETITIONER'S SIGNATURE
LISA M. CROSS
Notary Public, State of South Carolina
My Commission Expires 1/16/2024



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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 15, 2015

George Cleveland, 357770
MacDougall Correctional Inst.
1516 Old Gilliard Road
Ridgeville SC 29472

Re: George Cleveland v. SCDC (3)
Appellate Case No. 2015-000957

Dear Mr. Cleveland:

We have received your correspondence dated July 07, 2015. Since you did not file a timely motion to reinstate, the remittitur for this appeal was sent to the Clerk of Court for the administrative law court on June 04, 2015. The Court no longer has jurisdiction over this matter and your correspondence will be returned to you.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Daniel John Crooks, III, Esquire
Jana E. Shealy

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

George Cleveland, III - PETITIONER,

VS.

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

THE SOUTH CAROLINA COURT OF APPEALS

APPLICATION TO JUSTICE _____

FOR AN EXTENTION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI

George Cleveland, III
TURBEVILLE CORRECTIONAL INST.,
P.O. Box 252
TURBEVILLE, S.C. 29162

George Cleveland, III, the Petitioner
in this above captioned case
proceeding prose respectfully requesting
AN extension of time to file my
Petition for A WRIT of CERTIORARI
under Rule 22 of the Supreme Court
for at ^{least} forty-five (45) days because
the following reasons:

PRISON RETALIATION TRANSFER IN VIOLATION
MY FIRST AMENDMENT ACCESS TO THE COURTS
AND DUE PROCESS LIBERTY AND PROPERTY
INTEREST OF THE FOURTEENTH AMENDMENT OF
THE UNITED STATES CONSTITUTION;

LACK OF LEGAL MATERIALS;

MORE RESTRICTED ACCESS TO THE PRISON LAW
LIBRARY WHICH ARE ALL GOOD CAUSES
UNDER RULE 13 (5) OF THE SUPREME COURT
RULES.

2.
PRISON-TRANSFER:

The South CAROLINA DEPARTMENT OF CORRECTIONS (S.C.D.C.) TRANSFERRED me to MACDOUGALL CORRECTIONAL INSTITUTION; 1516 OLD GILLIARD ROAD, RIDGEVILLE, S.C. 29472 ON MAY 19, 2015 FROM EVANS CORRECTIONAL INSTITUTION; 610 Hwy 9 West, Bennettsville, S.C. 29512, see Petitioner's ATTACHED DECLARATION (HEREINAFTER P.A.D.) AT PAR. 2.

The same day of my TRANSFER to MACDOUGALL, id., the South CAROLINA COURT OF APPEALS denied my motion to allow a late filing of my notice of appeal, see Petitioner's ATTACHED EXHIBIT (HEREINAFTER P.A.E.) 1. This despite my filed AFFIDAVIT explaining the late filing was directly related to the lack of legal materials, and prison lock-down, see P.A.D. AT PAR. 3.

I REQUESTED LEGAL PAPER, INK PENS,
AND ENVELOPES FROM EVANS CORRECTIONAL
INST. IN EARLY ~~APRIL~~^{MARCH} OF 2015, BUT
I NEVER RECEIVED ANY, SEE P.A.D.
AT PAR 4.

FAST FORWARD TO AUGUST 10, 2015, I
REQUESTED FOUR HUNDRED (400) SHEETS OF
PAPER, AND ON AUGUST 11, 2015 AROUND
2:30 P.M., MRS. T WAY, MACDOUGALL'S
PURCHASING STAFF MEMBER WHO STATED
SHE WILL "ISSUE [ME] ONE HUNDRED
(100) SHEETS" OF LEGAL WHITE PAPER
AND SHE STATED THE FOLLOWING:

I WILL CALL "GENERAL COUNSEL"¹ BEFORE
I ISSUE THE REST, SEE P.A.D. AT PAR. 5.

1. GENERAL COUNSEL IS THE LEGAL OFFICE OF
THE S.C.D.C.; 4444 BROAD RIVER ROAD; COLUMBIA,
S.C. 29221-1787 AT THE S.C.D.C. HEADQUARTERS.

The very next morning; August 12, 2015,
 Around 9:00 A.M., my locker was
 shaken-down by three (3) S.C.D.C.
 officers, my food, and hygiene were
 both seized, I was written up;
 And on August 19, 2015, I WAS
 shipped to Lieber Correctional Inst.,
 less than five (5) miles down the
 road where I stayed overnight
 and shipped to Turbeville Correctional
 Inst. on August 20, 2015, I never
 received the remainder of my paper
 from MacDougall Correctional Inst. prior
 to my transfer, see P.A.D. At PAR. 5.

3.
 MORE RESTRICTIVE ACCESS TO
PRISON LAW LIBRARY:

MacDougall Correctional's Law Library
 was open to all inmates Mon-Fri
 (excluding holidays). I was allowed
 to go Mon-Fri; however, Turbeville

4.

Correctional's LAW LIBRARY is more restrictive because I have to email the LAW LIBRARY on the G.I.L., Inmate kiosk system, and wait for a response, and specific date to report.

I emailed the LAW-LIBRARY on August 24, 2015, and did not receive a response until August 31, 2015, which allowed me to conduct legal research on September 01, 2015, see P.A.D. AT PAR. 6.

4. ARGUMENT:

This petition once my questions and evidence are submitted to this court will prove the S.C.D.C. prison system have for months deprived me of adequate legal paper, envelopes, and ink pens to

Access the courts in violation of my First and Fourteenth Due Process Rights under the United States Constitution. I suffered prejudice by the retaliatory transfer to another prison which has caused me to fall behind on my legal filings; deadlines; see Lewis v. Casey, 518, U.S., 343, 349, 116, S. Ct., 2174, id., at 2179. I currently have twelve (12) active non-frivolous cases and I have personally hand-wrote two-thousand-two-hundred-fifty (2,250) legal papers since April 03, 2014, see P.A.D. at par. 7.

5.
CONCLUSION:

Based on the foregoing facts supported by declarations, the denial of my access to the courts, prison transfer for merely requesting legal papers, more restrictive access to the prison law library, and the inadequate

Supply of Legal MATERIAL, I have shown good cause why my Deadline of 45 Days is needed, and my Application for any extension of time could not be filed "10 days before the date the petition is due"; Rule B (5) because of the Lack of Legal -white paper, envelopes, Ink pens, and retaliation for me exercising my Federal Rights, SUPRA, AT PAR. 4, thus extraordinary circumstances out of my control led to this Application for more time; according, A 45 day extension from the date of this Application is reasonable under the circumstances.

WHEREFORE, GRANT my Application for an extension of time to file my WRIT OF CERTIORARI 45 DAYS from the date of this Application to October 15, 2015, and any

Other relief this court deems just
and/or proper.

Respectfully submitted,

~~S/CS/ [Signature]~~

George Cleveland, III, #357770
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162

Dated: Sept. 01, 2015

No. _____

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IN THE
SUPREME COURT OF THE UNITED STATES

George Cleveland, III - PETITIONER,

v.

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

THE SOUTH CAROLINA COURT OF APPEALS

APPLICATION TO JUSTICE

SUPPLEMENTAL FACTS TO APPLICATION
FOR AN EXTENSION OF TIME

George Cleveland, III,
Turbeville Correctional Inst.,
P.O. Box 252
Turbeville, S.C. 29162

SUPPLEMENTAL FACTS:

ON Sept 01, 2015 AROUND 7:00 P.M. there were multiple stabbings, and fights by in my assigned dorm: TAWCAW A-side. We have been on Lock-down since. I'm not allowed to leave my room for anything. My food and medicine comes to my room, but the mail-room staff have not, nor any other S.C.D.C. staff has walked around asking: Does anyone have legal mail to mail out? As of Sept. 03, 2015, I have five (5) pieces of legal mail just sitting in the mail-room, see P.S.A. AT PAR. 8.

As I stated earlier, I have 12 pending cases, thus I receive a lot of legal mail.

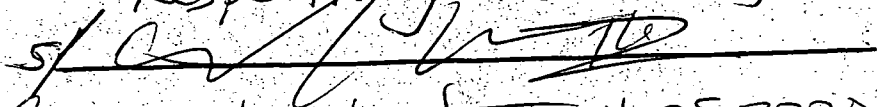
Turbeville Correctional Inst. is violating

my first (Access to the courts) and
fourteenth (Due process; Liberty,
property interest) Amendments of
the United States Constitution because
Turberville lack a sufficient policy
and/or leadership that provides a
back-up plan during prison lock-
downs to make sure my legal-
mail continues to be mailed out
and my incoming legal mail is
delivered to me the date it was
received to the institution. I will
file with this court a motion for
injunctive relief in the next
week or so, when I'm issued more
paper because of the persistent and
ongoing harm I continue to suffer,
i.e., lack of paper, receiving legal
mail late, outgoing legal mail not
going out during prison-lock-downs
Even my door LT. : J. LARRY when
2.

I informed him that I had legal-mail to pick-up, and legal mail to go out, he stated the following:

J. LARRY: "nothing is open except medical, and the cafeteria,"
see P.S.A. At page 9.

I'll preserve the small amount of paper I have now, unless other facts are known prior to me handing this legal mail to the mail-room staff, I will not supplement the facts further.

Respectfully submitted,

 George Cleveland III #35770
 Turbeville Correctional Inst.
 P.O. Box 252
 Turbeville S.C. 29162

Dated: September 03, 2015

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

George Cleveland, III - PETITIONER

vs.

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

THE SOUTH CAROLINA COURT OF APPEALS
APPLICATION TO JUSTICE

PETITIONER'S SUPPORTING DECLARATIONS

George Cleveland, III
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162

PETITIONER'S DECLARATIONS:

1. I, George Cleveland, III, swears under the penalty of perjury the following statements are true and correct to the best of my knowledge.
2. S.C.D.C. transferred me to MACDOUGALL CORRECTIONAL INSTITUTION; 1516 OLD BILLIARD ROAD, RIDGEVILLE, S.C. 29472 ON MAY 19, 2015 FROM EVANS CORRECTIONAL INSTITUTION; 610 HWY 9 WEST, BENNETTSVILLE, S.C. 29512.
3. I explained to the SOUTH CAROLINA COURT OF APPEALS THROUGH AFFIDAVITS THAT THE LATE FILING WAS DIRECTLY RELATED TO THE LACK OF LEGAL MATERIAL AND PRISON LOCK-DOWN AT EVANS CORRECTIONAL INST, ID.
4. I REQUESTED LEGAL PAPER, INK PENS AND ENVELOPES FOR PENDING LEGAL

DEADLINES IN EARLY MARCH 2015 THROUGH THE G.T.L. INMATE EMAIL KIOSK SYSTEM TO ~~THE~~ MRS. C. HOOKS (WORK IN THE BUSINESS OFFICE) AT EVANS CORRECTIONAL INST., BUT NEVER RECEIVED THE LEGAL MATERIAL. EVANS CORRECTIONAL INST. WAS ON LOCK-DOWN FROM AROUND MARCH 20, 2015 TO APRIL 15, 2015 DUE TO INSTITUTIONAL WIDE SICKNESS.

5. ON AUGUST 10, 2015, I REQUESTED 400 SHEETS OF LEGAL WHITE PAPER, INK PENS AND ENVELOPES, FROM MACDOUGALL CORRECTIONAL INST. ON AUGUST 11, 2015, MRS. T. WAY CALLED ME TO HER OFFICE AROUND 2:30 P.M. SHE GAVE ME 100 SHEETS, TWO PENS, AND 5 ENVELOPES, BUT STATE SHE WILL CALL GENERAL COUNSEL AT THE S.C.D.C. HEADQUARTERS BEFORE ISSUING

MORE. The next morning on August 12, 2015 around 9:00 AM, three (3) S.C.D.C. officers shook-down my Locker and took my food and hygiene, I was written up, shipped off MacDougall's yard, stayed the night at Lieber Correctional Inst. around 5 miles down the road and transferred to Turbeville Correctional Inst. on August 20, 2015. I never received the remainder of my legal white paper, pens or envelopes.

6. MacDougall's Law-Library was open to all inmates Mon-Fri excluding holidays and/or institutional schedule changes which only happened two (2) times while I was at the Institutional Law Library. Turbeville Correctional Institutional Law Library is more restrictive. I'm required to email the

LAW LIBRARY AND WAIT ON A RESPONSE AND A TIME AND DATE TO REPORT.

I emailed the LAW LIBRARY August 24, 2015 AND they responded on August 31, 2015 which I needed legal research time on this case AND my other cases.

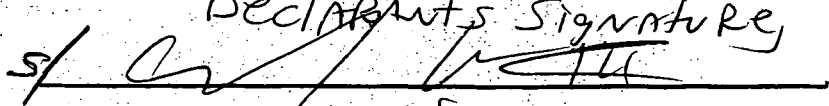
7. I currently have 12 active non-frivolous cases, I have personally hand-wrote 2,250 legal papers for my own cases since April 03, 2014.

SUPPLEMENTAL FACTS:

8. ON Sept. 01, 2015, around 7:00 p.m., multiple inmates were fighting, AND stabbing in my assigned dorm (AWCAW CA-SIDE), my dorm has been on lock-down. My food AND medicine comes to my room. NO MAIL-ROOM STAFF OR OTHER S.C.D.C.-STAFF came by ASKING if I

Needed to mail-out legal-mail, NOR WAS ANY LEGAL MAIL DELIVERED TO MY ROOMS. AS OF SEPT. 03, 2015, I HAVE 5 PIECES OF LEGAL MAIL IN THE MAIL-ROOM HERE AT TURBEVILLE.

9. WHEN I ASKED LT. J LARRY STOPPED AT MY DOOR ON SEPT. 02, 2015 IN THE AFTERNOON I HAD LEGAL MAIL TO PICK-UP AND LEGAL MAIL NEEDED TO GO OUT, HE STATED: NOTHING IS OPEN EXCEPT MEDICAL AND THE CAFETERIA.
10. I ONLY HAVE A SMALL AMOUNT OF PAPER AND NOT SUPPLEMENTAL ANY MORE FACTS UNLESS THEY BECOME KNOWN TO ME.

DECLARANT'S SIGNATURE

 George Cleveland, III

DATED: SEPT-01, 2015 AND SEPT-03, 2015

ORIGINAL

No. _____

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RECEIVED
SEP 15 2015
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

George Cleveland, III PETITIONER
(Your Name)

SOUTH CAROLINA ^{VS.}
DEPARTMENT OF CORRECTIONS RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): Oconee County Court of Common Pleas, Waltham, SC, United States District Court (Florence Division), District of South Carolina, South Carolina Court of Appeals in Columbia, SC, Richland County Common Pleas Court, Columbia, SC, Greenville County Common Pleas Court, Greenville, SC
 Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: RULE 3(b) S.C. RULES OF CIVIL PROCEDURE, or FORMA PAUPERIS ACT, PRISONER LITIGATION REFORM Act

a copy of the order of appointment is appended.

[Signature]
(Signature)

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, George Cleveland, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ 0	\$ 0	\$ 0
Self-employment	\$ ↑	\$ ↑	\$ ↑	\$ ↑
Income from real property (such as rental income)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child Support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$ ↓	\$ ↓	\$ ↓	\$ ↓
Total monthly income:	\$ 0	\$ 0	\$ 0	\$ 0

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$ _____
N/A			\$ _____
N/A			\$ _____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$ _____
N/A			\$ _____
N/A			\$ _____

4. How much cash do you and your spouse have? \$ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
N/A		\$ _____	\$ _____
N/A		\$ _____	\$ _____
N/A		\$ _____	\$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

- Home Value N/A
- Other real estate Value N/A
- Motor Vehicle #1 Year, make & model N/A Value _____
- Motor Vehicle #2 Year, make & model N/A Value _____
- Other assets Description N/A Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ _____	\$ _____
N/A	\$ _____	\$ _____
N/A	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
N/A	_____	_____
N/A	_____	_____
N/A	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ N/A	\$ _____
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ N/A	\$ _____
Home maintenance (repairs and upkeep)	\$ N/A	\$ _____
Food	\$ N/A	\$ _____
Clothing	\$ N/A	\$ _____
Laundry and dry-cleaning	\$ N/A	\$ _____
Medical and dental expenses	\$ N/A	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ N/A	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ N/A	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ N/A	\$ _____
Life	\$ N/A	\$ _____
Health	\$ N/A	\$ _____
Motor Vehicle	\$ N/A	\$ _____
Other: _____	\$ N/A	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ N/A	\$ _____
Installment payments		
Motor Vehicle	\$ N/A	\$ _____
Credit card(s)	\$ N/A	\$ _____
Department store(s)	\$ N/A	\$ _____
Other: _____	\$ N/A	\$ _____
Alimony, maintenance, and support paid to others	\$ N/A	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ N/A	\$ _____
Other (specify): _____	\$ N/A	\$ _____
Total monthly expenses:	\$ N/A	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

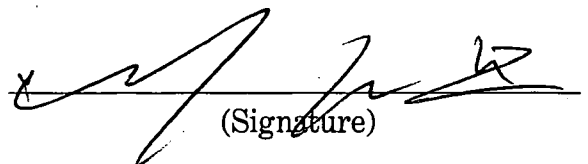
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I'm A STATE PRISONER IN SOUTH CAROLINA
WITH NO JOB THAT PAYS ANYTHING
WAGE.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 01, 2015


(Signature)

No. _____

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IN THE
SUPREME COURT OF THE UNITED STATES

George Cleveland, III - PETITIONER

VS.

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

PETITIONER'S PROOF OF SERVICE

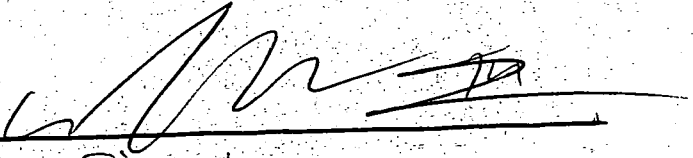
I, George Cleveland, III, do swear under the penalty of perjury that on Sept. 04, 2015 pursuant to Supreme Court Rule 29 I have served the enclosed my motion for leave to proceed in forma pauperis, application for an extension of time to file petition for a writ of certiorari, supporting declarations on the respondent's counsel by turning the properly addressed envelope first-class postage pre-paid to the following name and addressed to the turbeville Correctional Institution's

MAIL ROOM STAFF:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
MR. DANIEL JOHN CROOKS, III, ESQUIRE
P.O. Box 21787
Columbia, S.C. 29221-1787
TELEPHONE (803)-896-8555
EMAIL: CORRECTIONS.INFO@DOC.GOV

I declare under penalty of perjury that
the foregoing is true AND CORRECT.

EXECUTED ON SEPTEMBER 04, 2015


SIGNATURE

No _____

IN THE
SUPREME COURT OF THE UNITED STATES

George Cleveland, III,
S.C.D.C. #357770,

vs.

PETITIONER,

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

RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SOUTH CAROLINA COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

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

QUESTION (A) PRESENTED

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DID THE SOUTH CAROLINA COURT OF APPEALS
ERR BY REASONING THE FILING OF THE
NOTICE OF APPEAL IS JURISDICTIONAL
AND HAD NO AUTHORITY TO EXTEND THE
TIME CITING MEARS V. MEARS, 287 S.C.
168, 337 S.E. 2d 206 (1985) WHICH IS
IN CONFLICT WITH JOHNSON V.
AVERY, 393 U.S., 483, 89, S. CT., 747,
(1969) AND BOUNDS V. SMITH, 430 U.S.,
817, 97, S. CT., 1491, U.S., N.C. (1977)? DOES
A MISSED DEADLINE TO FILE MY NOTICE
OF APPEAL BASED SOLEY ON A PRISON
LOCK-DOWN, THE LACK LEGAL WHITE PAPER,
INK PENS, AND LEGAL ENVELOPES CONSTITUTE
ACTUAL INJURY UNDER LEWIS V. CASEY,
518 U.S., 343, 116, S. CT., 2174, U.S. ARIZ, (1996),
id., at 2179?

B.
LIST OF PARTIES

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PURSUANT TO SUPREME COURT RULE 14
(B), ALL PARTIES ARE NAMED IN THE
CAPTION.

(C)

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 2.

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TABLE OF AUTHORITIES

CASES

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JOHNSON V. AVERY, 393, U.S., 483, 89, S. CT., 747 (1969) 754

BOUNDS V. SMITH, 430, U.S., 817, 97, S. CT., 1491, U.S., N.C. (1977)

LEWIS V. CASEY, 518, U.S., 343, 116, S. CT., 2174, U.S. ARIZ (1996) 2178-2179

COURT RULES

SOUTH CAROLINA COURT OF APPEALS RULE 221(A) SOUTH CAROLINA APPELLATE COURT RULE (S.C.A.C.R)

SUPREME COURT OF THE UNITED STATES RULE 16 (1)

SUPREME COURT OF THE UNITED STATES RULE 16 (2)

(E)
STATEMENT OF THE BASIS
FOR JURISDICTION

(i)

The South CAROLINA COURT OF APPEALS filed its' order I'm seeking Review by this court on MAY 19, 2015. I had no PAPER to timely file my motion for Rehearing pursuant to Rule 22) (A) S.C.A.C.R. (15 DAYS TO FILE PETITION FOR REHEARING), see PETITIONER'S ATTACHED DECLARATION AT PAR. 2 (hereinafter P.A.D.)

(ii)

The South CAROLINA COURT OF APPEALS' deputy clerk V. CLAIRE ALLEN declined to FILE my PETITION FOR A WRIT OF CERTIORARI TO the COURT OF APPEALS ON JULY 15, 2015 because of my missed deadline.

(iii)

(iv)

(v)

(F)
CONSTITUTIONAL PROVISIONS
INVOLVED

AMENDMENT I OF THE UNITED STATES CONSTITUTION; "CONGRESS SHALL MAKE NO LAW . . . PROHIBITING . . . THE RIGHT . . . TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES."

AMENDMENT XIV SECTION 1 OF THE UNITED STATES CONSTITUTION; ". . . NOR SHALL ANY STATE DEPRIVE ANY PERSON OF . . . LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW."

(G)
STATEMENT OF THE
 CASE

(i)

ON August 27, 2014, my timely notice of Appeal was filed in the SOUTH CAROLINA ADMINISTRATIVE LAW COURT (hereinafter A.L.C.), see PENTONER'S ATTACHED Appendix at p. 1 (hereinafter P.A.A.) (Court Assignment sheet), AFTER UNFAVORABLE GRIEVANCES FOR AN INSTITUTIONAL CHARGE OF: STRIKING WITH/WITHOUT A WEAPON, S.C.D.C. offense code 810.

ON December 30, 2014, I mailed my motion to compel (Legal materials...) to the A.L.C.'s assigned JUDGE RALPH KING ANDERSON, III introducing my Access to Courts FEDERAL CONSTITUTIONAL RIGHT FOR LEGAL WHITE PAPER. The relevant part is:

.... 'I'm writing on legal-lined paper because I cannot seem to receive plain white paper', see P.A.A. at p. 2.

.... 'I do not have the LEGAL PAPER to even Access this court with motions And BRIEF FILINGS S.C.D.C. is depriving me of Accessing the courts in violation of the United States Constitution; see P.A.A. At pp. 3 .

ON MARCH 03, 2015, I signed for And received the A.L.C.'s order of Dismissal from the PRISON'S MAIL-ROOM, see P.A.A. At p. 4 (page 1 of order), see ALSO PETITIONER'S ATTACHED DECLARATION AT PAR. 3 (hereinafter P.A.D.).

ON April 28, 2015, I mailed my notice of Appeal, And motion to timely file my notice of Appeal with supporting AFFIDAVITS which was due thirty (30) AFTER I received the A.L.C.'s order of Dismissal pursuant to SOUTH CAROLINA Appellate COURT Rule (S.C.A.C.R.) 203 (b) (6). The reason why my notice of Appeal was filed late was based on two (2) grounds:

INSTITUTIONAL Lock-down, And LACK of

Legal white paper, ink pens; Legal envelopes, see P.A.D. At PAR. 4.

ON MAY 19, 2015, the SOUTH CAROLINA COURT OF APPEALS denied my motion to allow my late notice of appeal to be filed timely.

the single Appellate judge stated the following Relevant part:

"... the notice of Appeal is A JURISDICTIONAL Requirement, and the Appellate Courts have no authority to extend" ... see P.A.A. At p. 5

(Court's order). the court cited MEARS v. MEARS, 287 S.C. 168, 337 S.E. 2d 206 (1985).

ON JULY 07, 2015, I mailed my Petition FOR A WRIT OF CERTIORARI, supporting Affidavits, Appendix, IN FORMA proper petition, AND Inmate Trust Fund Account Statement, see P.A.A. At pp. 6 - 10 (stamped

1. I could not meet the June 04, 2015

copies of caption pages).

ON A letter dated July 15, 2015 letter FROM the Deputy clerk V. CLAIRE ALLEN of the SOUTH CAROLINA COURT OF APPEALS stated the following relevant part:

"We have Received your correspondence dated July 03, 2015, since you did not file a timely motion to Reinstatement . . . the court no longer has jurisdiction," see P.A.A. At p. 11.

ON Sept. 01, 2015, I inserted my Application for an extension of time to file petition for a writ of certiorari, and supporting declarations in the blue mail-box outside the cafeteria, and other legal filings properly addressed to this court for the following reasons:

LACK OF LEGAL-WHITE-PAPER;

deadline to file my Rehearing Petition because I did not have enough legal-white paper and forced to hand-write over two hundred (200) copies, see P.A.D. At PAR. 2,
6.

INSTITUTIONAL Lock-down (S) ; AND
 INSUFFICIENT time in the LAW LIBRARY,
 see P.A.D. AT PAR. 5.

I Respectfully Requested An extension
 to October 16, 2015 to file my Petition
 FOR A WRIT OF CERTIORARI. IBID.

THIS PETITION FOR A WRIT OF
 CERTIORARI FILINGS FOLLOWS.

(ii)

ARGUMENT

THE SOUTH CAROLINA COURT OF
 APPEALS ERRED BY NOT FILING
 MY NOTICE OF APPEAL TIMELY
DESPITE ACTUAL INJURY

IN my notice of Appeal from the
 Administrative Tribunal and supporting
 affidavits to the COURT OF APPEALS ON
 APRIL 28, 2015, clearly stated the following:

PRISON Lock-down FROM MARCH 21, 2015 -
 APRIL 13, 2015; AND

NO Legal paper, envelopes, OR ink pens to

timely file my notice of Appeal, AND my official Request for Legal materials for upcoming deadlines on MARCH 03 2015, see P.A.D. AT PAR. 4,

The COURT OF APPEALS erroneously cited MEARS v. MEARS, 287 S.C. 168, 337 S.E.2d, 206 (1985). This case is distinguished with prison officials blocking my access to the courts because in the MEARS court Appellant's counsel was the sole reason why the notice of Appeal in this family court matter was untimely by "some thirty-six (36) days" id., at 207.

the proper legal standards should have been relevant case-law such as:

Johnson v. Avery, 393 U.S. 483, 89 S.Ct. 747 (1969) reasoned "where Government fails to provide the prison with the legal counsel it demands the prison generate its' own," id., at 754.

Tennessee inmate William Joe Johnson requested Law Books and typewriters which is more an nexus to my case than the Meeks, id, case since Johnson argued adequate material to access the courts as in my case.

The First Amendment (Access to courts), and the Fourteenth Amendment Section 1 (Due Process property interest) requires the court of appeals to file my notice of appeal as timely despite the lapse in time because the prison-lock-down, and the insufficient legal materials to access the court of appeals.

The constitution cannot personally provide me with legal materials, and a United States Postal employee to deliver my notice of appeal to the court of appeals

timely, but it does have the Authority to force the court of Appeals to timely file my notice of Appeal which I suffered actual injury by the court of Appeals not timely filing my late notice of appeal despite my supporting affidavits explaining the prison lockdown, and insufficient legal material which provides me with standing under Lewis v. Casey, 518, U.S. 343, 116 S.Ct. 2174 U.S. ARIZ (1996), 1d, at 2179; Accordingly, this court should exercise its' judicial discretion since the South Carolina Court of Appeals denying my untimely notice of appeal conflicts with relevant decisions of this court i.e. Johnson v. Avery; And Lewis v. Casey. IBID.

CONCLUSION

the South CAROLINA COURT OF APPEALS ERRED by not timely Filing my late notice of Appeal when supporting AFFIDAVITS clearly stated it WAS out of my control.

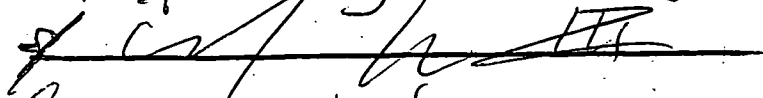
the Access to courts And the due process clauses of the united states Constitution requires the South CAROLINA COURT OF APPEALS to timely file my notice of Appeal as my Federally protected Rights to seek judicial Review in my case cannot be denied as an inmate since: restricted movement, communication, and the court Access are sometimes delayed even passed the deadline set by the S.C.R.A.P., but the Constitution GRANTS me A PARDON OR FORGIVENESS because of the supporting AFFIDAVITS substantiates my claim of Actual Injury

by prison officials AND no fault
of my own; therefore, I respectfully
request the following relief:

WHEREFORE, GRANT MY PETITION FOR A
WRIT OF CERTIORARI TO THE COURT OF
APPEALS UNDER SUPREME COURT RULE 16 (2)
AND BRIEFING ON THE MERITS, OR

IF IT PLEASES THE COURT ENTER AN
APPROPRIATE ORDER WITH A SUMMARY
DISPOSITION ON THE MERITS UNDER SUPREME
COURT SEEMS JUST AND/OR PROPER.

Respectfully submitted,



George Cleveland, III, #357770
TURBERVILLE CORRECTIONAL INST.
P.O. Box 252
TURBERVILLE, S.C. 29162

DATED: October 14, 2015

No

IN THE
SUPREME COURT OF THE UNITED STATES

George Cleveland, III,

S.C.D.C., # 357770,

PETITIONER,

VS.

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

RESPONDENT.

PETITIONER'S PROOF OF SERVICE
BY DECLARATION

George Cleveland, III, # 357770
TURBEVILLE CORRECTIONAL INSTITUTION
P.O. Box 252 -
TURBEVILLE, S.C. 29162

PETITIONER'S PROOF OF SERVICE
BY DECLARATION

1. I, George Cleveland, III, swears under the penalty of perjury the following is true and correct:
2. ON October 15, 2015 I placed this PETITION FOR A WRIT OF CERTIORARI, SUPPORTING APPENDIX; IN THE BLUE-MAIL-BOX OUTSIDE the TURBEVILLE CORRECTIONAL'S CAFETERIA.
3. I also mailed the same by placing in the same id, blue-mail-box properly addressed to the counsel of record for the respondent at:

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


PETITIONER/DECLARANT'S
SIGNATURE

DATE: October 15, 2015
LOCATION: TURBEVILLE CORRECTIONAL
INSTITUTION

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

December 3, 2015

George Cleveland
#357770
Turbeville Corr. Inst.
P.O. Bozx 252
Turbeville, SC 29162

RE: Cleveland v. South Carolina DOC

Dear Mr. Cleveland:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked September 4, 2015 and received September 15, 2015. The application is returned for the following reason(s):

The lower court opinion must be appended from the South Carolina Supreme Court. Rule 13.5.

It is impossible to determine the timeliness of your application for an extension of time without the lower court opinions.

A copy of the corrected application must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk

By: 

M. Blalock
(202) 479-3023

Enclosures

DECEMBER 17, 2015

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Supreme Court of the United States
Office of the Clerk
Attention: M. Bialock
Washington, DC 20543-0001

Re: CLEVELAND v. SOUTH CAROLINA DOC

DEAR M. BIALOCK,

1. ON A letter dated December 03, 2015, which I received from the TURBEVILLE CORRECTIONAL INSTITUTIONAL MAILROOM ON December 08, 2015, you stated:
"The lower court opinion from the SOUTH CAROLINA SUPREME COURT. Rule 13.5. d."
2. Please be advised that I could not petition for review by the SOUTH CAROLINA SUPREME COURT because as my enclosed declarations, and petition for certiorari state, the prison where I was assigned at that time was on lock-down causing me to miss my notice of appeal deadline with the SOUTH CAROLINA COURT OF APPEALS, pursuant to Rule 203 b(6) of the SOUTH CAROLINA Appellant Court Rules: "Appeals from Administrative Tribunals".... the notice of appeal

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shall be served on the Agency within thirty (30) days after receipt of the decision."

3. since the lock-down prevented me from doing this, the court of Appeals denied my motion to file my notice of Appeal as timely. (this Appeal stemmed from an prison disciplinary offense)..
4. Before I could get access to the Law Library and legal paper to file my petition for rehearing, the court of Appeals issued the remittitur, pursuant to Rule 221 (b) of the South Carolina Appellate Court Rules:

" the [Remittitur] shall not be sent until fifteen (15) days have elapsed since the filing of the opinion "
5. Because the remittitur was issued before I could gather the legal research, and legal-paper to file an non-frivolous rehearing petition.
6. This barred me from filing an petition for a writ of certiorari with the South Carolina Supreme Court: "A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing has been acted on by the court of Appeals." Rule 226(c) of the South Carolina

7. Rule 13 (1) of the Supreme Court Rules of the United States state that my petition for Certiorari is timely if filed within ninety (90) days after entry of the order by the state court of last resort.
8. The court of Appeals was the last resort for me in the time frame pursuant to the Rules of South Carolina Appellate Court Rules. Accordingly, my only option was to file my petition with this court.
9. Enclosed is also my motion for an extension of time to file my petition with this court because of yet another prison lock-down which is supported by declarations.
10. Finally, the rules of this court allows me only 15 days to respond and correct errors when requested to do so by the clerk of the Supreme Court of the United States.
11. I've already filed my petition in this court on or around October 14, 2015 if the court granted my extension of time to file my petition for I again enclosed another copy for clarity, and in the interest of time locating it there within your office.

DECLARATION:

12. I, George Cleveland ~~III~~, swears, and declares under the penalty of perjury the following is true and correct to the best of my knowledge:
13. From December 17-21, 2015, the dorm I'm assigned to: TANCAW - A-side at Turbeville Correctional Institution in Turbeville, SC was locked-down. I was confined to my room, and no access to mail my legal work for this case out because the mail-room staff did not come to my door, nor was I allowed to walk to the mail room during this time.
14. End of Declaration.

DECLARANT'S SIGNATURE


George Cleveland ~~III~~ #357770

DATED: December 22, 2015

LOCATION: TURBEVILLE CORRECTIONAL INST

cc: S.C.D.C.
Office of General Counsel
Christina Catoe Bigelow, esquire

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

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January 15, 2016

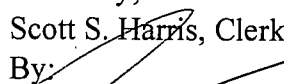
George Cleveland
#357770
Turbeville Corr. Inst.
P.O. Box 252
Turbeville, SC 29162

RE: Cleveland v. South Carolina DOC

Dear Mr. Cleveland:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was originally postmarked September 4, 2015 and received again on December 31, 2015. The application is returned for the following reason(s):

Failure to exhaust lower court remedies. This Court does not have jurisdiction since you failed to seek review from the South Carolina Supreme Court, 28 USC 1254 and 1257.

Sincerely,
Scott S. Harris, Clerk
By: 

M. Bialock
(202) 479-3023

Enclosures

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

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INMATE GRIEVANCE FORM

JAN 20 2016

STEP 1

INMATE NAME: <u>George Cleveland J III</u>	OFFICE USE ONLY
SCDC NUMBER: <u>357770</u>	Grievance No: <u>TC16040-16</u>
INSTITUTION: <u>TURBEVILLE C.I.</u>	Code: General <u>LE/LS</u>
HOUSING UNIT: <u>TA-132</u>	Policy _____
WORK ASSIGNMENT: <u>WARD keeper</u>	Disc. Hear: _____
	Class: _____
	PREA: _____
	Date Received: <u>1-20-16</u>
	IGC Initials: <u>PC</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

The new LAW LIBRARY hours (closing from 10 A.M. - 12pm) Monday-Friday is putting a toll on my actual time I can conduct legal research. Today (January 19, 2016) I was approved to conduct legal research. At 7 A.M., see kiosk #16-963752, but after eating breakfast I reported around 8:20 A.M., but had to leave at 10 A.M. because of the new hours. I was on the outcount for 12 p.m., see kiosk #16-923747, but because the T.A.'s had to eat lunch, and I had to eat lunch with my unit, it was around 1 p.m. before I could report, the Law Library was closed early (around 2:30 p.m.) per A/W DEAN according to officer Lowery.

Grievant Signature

Date

ACTION REQUESTED: provide at least weekly 37.5 hours of Law Library time pursuant to SCDC Policy GA-01.03 (Inmate Access to the courts), and SCDC Policy PS-08.01 section 3.1, and stagger times T.A.'s good to lunch

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See reverse side for Warden's response.

Coker

1/21/16

IGC Signature

Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Page 2

Inmate Cleveland:

357770

This is in response to TCI-0040-16.

Your grievance has been reviewed, and appropriate staff has been contacted. Associate Warden Dean stated due to a security issue the law library was closed early. It is obvious there are issues with the law library schedule and that schedule is currently being reviewed so the appropriate revisions can be made.

If you are not satisfied with my response, you have the opportunity to appeal to the appropriate official. If you wish to do so, complete the Step 2 Grievance Form provided and submit it, along with your copy of the Step 1 Grievance Form, to the Inmate Grievance Coordinator within 5 calendar days.

R. Cooper

1/25/16

Warden Signature

Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

[Signature] *[Signature]* *1/29/16*

Grievant Signature

Date

[Signature]

1/29/16

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

WARDEN'S DECISION AND REASON:

PAGE 114

Inmate Cleveland:

357770

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Grievant Signature

Date

[Signature]

1/29/16

IGC Signature

Date

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

JAN 20 2016

INMATE NAME: <u>George Cleveland III</u>	OFFICE USE ONLY
SCDC NUMBER: <u>357770</u>	Grievance No: <u>TC10040-16</u>
INSTITUTION: <u>TURBEVILLE C.I.</u>	Code: General <u>LE/LS</u>
HOUSING UNIT: <u>TA-132</u>	Policy: _____
WORK ASSIGNMENT: <u>WARD-keeper</u>	Disc. Hear: _____
	Class: _____
	PREA: _____
	Date Received: <u>1-20-16</u>
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[Signature] 1-19-16
 Grievant Signature Date

ACTION REQUESTED: provide at least 37.5 hours of LAW LIBRARY time pursuant to SCDC Policy GA-01.03 (Inmate Access to the courts), and SCDC Policy #5-08.01 section 3.1, and stagger times T.A.'s good to lunch

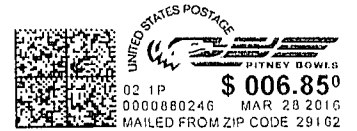
ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See reverse side for Warden's response.

[Signature] 1/21/16
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

P.O. Box 252
Turbeville, SC - 29162



RECEIVED

MAR 28 2016
MAILROOM
TURBEVILLE CI

LEGAL MAIL
The Supreme Court of South Carolina
DANIEL E. Sherouse, clerk of court
Post office Box 11330
Columbia, SC 29211

Appellate Case
No. 2015-0000
000957
Appendix

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