

APPELLANT'S MOTION FOR LEAVE

OF COURT TO PROCEED ~~IN~~ RECEIVED

FORMA PAUPERIS

APR 13 2016

THE STATE OF SOUTH CAROLINA **SC** Court of Appeals

IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

JOHN D. MCLEOD, ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 16-ALJ-04-0102-N

APPELLATE COURT CASE NO. 2016-000681

George Cleveland, III,

S.C.D.C. NO. 357770,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT

OF CORRECTIONS (S.C.D.C.),

RESPONDENT.

MOTION TO PROCEED IN FORMA PAUPERIS

George Cleveland, III, #357770  
TURBEVILLE CORRECTIONAL INST.

P.O. Box 252

TURBEVILLE, S.C. 29162

PRO SE APPELLANT

1.  
MOTION TO PROCEED ~~IN~~ IN FORMA  
PAUPERIS:

MAY IT PLEASE THE COURT: George Cleveland  
~~III~~, the Appellant in this case proceeding pro se,  
respectfully moves this court to GRANT my motion  
for Leave to proceed IN FORMA PAUPERIS under  
the IN FORMA PAUPERIS Act Title 28 U.S.C.A.  
§ 1915(A)(2); First Amendment (Access to courts)  
And Fourteenth Amendment (Due Process; liberty/  
property interest) of the United States Constitution.

I have no money to pay the one-hundred  
DOLLARS (\$100.00) filing fee because I'm an state  
inmate in the custody of the S.C.D.C., R.P.I.  
(Trust-Fund-Account statement) which shows I have  
no money.

The issue in this appeal deals with the  
continued tortured interpretation of the ALC's

JURISDICTION AFTER THE PERFECTION OF S.C.A.C.'S  
GRIEVANCE PROCESS UNDER AL-SHABAZZ V. STATE  
338 S.C. 354, 527 S.E. 2d 742 (2000); FURTIK  
V. S.C. DEPT OF CORR. 374 S.C. 334, 649 S.E. 2d  
35 (2007), AND S.C. DEPT OF CORR. V. MITCHELL,  
377 S.C. 256, 259, 659 S.E. 2d 233, 235  
(Ct. App. 2008).

THIS ALC ISSUE, IDJ DEALS WITH MY FEDERAL  
RIGHT TO BE FREE OF CRUEL AND UNUSUAL PUNISHMENT  
(8th Amend) FROM BEING FREE OF EXTREME COLD  
TEMP. WITH NO BLANKET AND SHEETS, AND ALSO  
AN FEDERAL RIGHT TO HAVE WRITTEN DOCUMENTATION  
OF ANY NEW PROCEDURES UNDER THE (14th Amend)  
(LIBERTY/PROPERTY INTEREST) OF THE UNITED STATES  
CONSTITUTION; THEREFORE, MY FEDERAL CONSTITUTIONAL  
RIGHTS, IDJ TRUMPS AN FILING FEE FOR JUDICIAL  
REVIEW REGARDING MY LIFE. R.P.P. 2-3 CALC'S ORDER  
2.

Dismissed.

2,

LEGAL-STANDARDS

The Informa Act, SUPRA AT PAR 1, state the following relevant part:

“ . . . Any court . . . may authorize the commencement, prosecution or defense of any . . . action or proceedings, civil or criminal or ~~APPEAL~~ therein without prepayment of fees . . . by a person who submits an . . . statement of all assets such prisoner possesses that the prisoner is unable to pay such fees . . . ”

The First Amendment (Access to courts) states the following this relevant part:

“ Congress shall make no law . . . prohibiting [Appellant to] petition the Government for a . . . ”

3.

Redress of grievances, 11.

And the Fourteenth Amendment (Due Process Liberty / Property Interest) states the following relevant part:

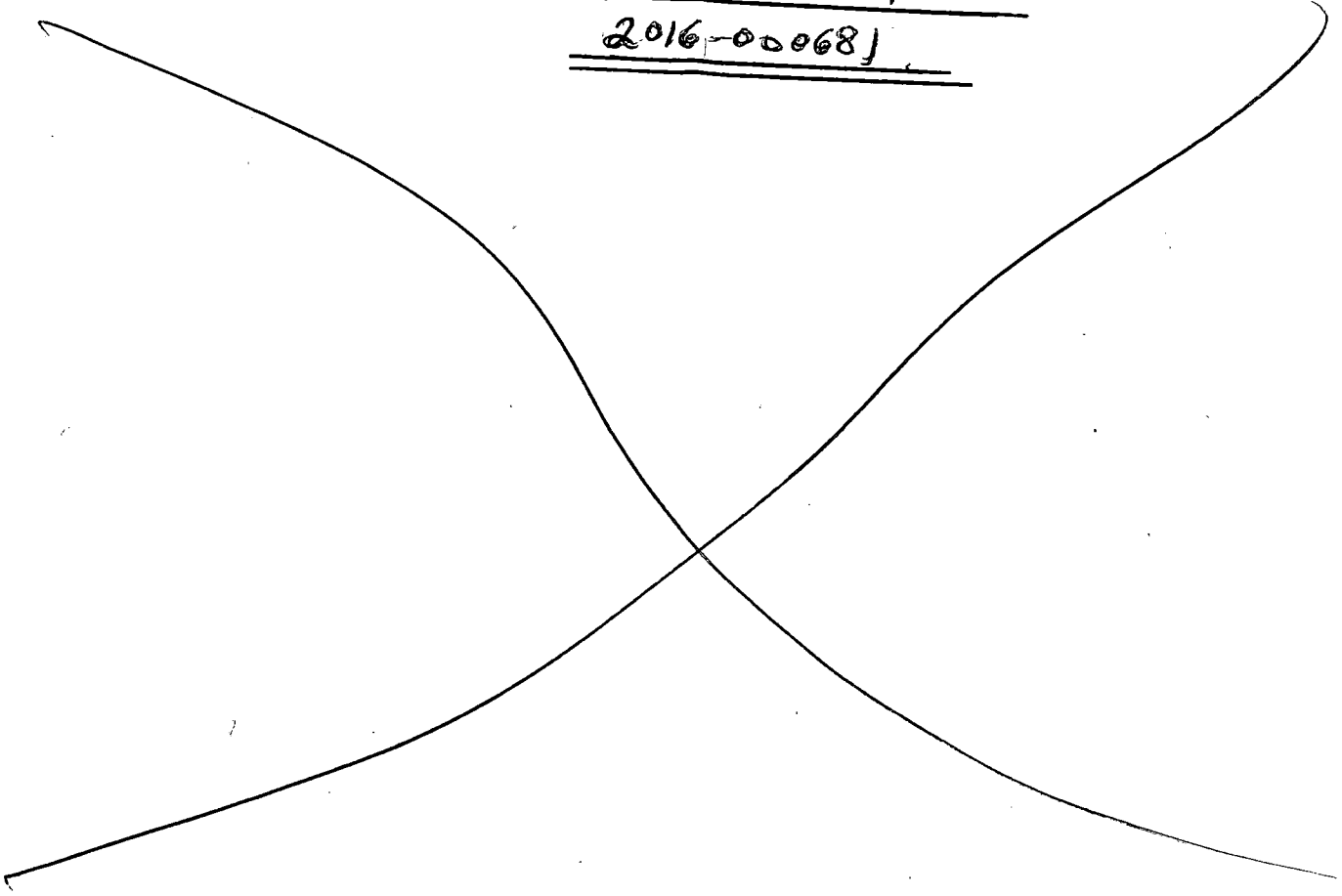
[No] ... state deprive any person of life liberty or property, without due process of law...

The constitution protects me from poor prison conditions, and the In Forma Pauperis Act gives me access to the courts without paying the filing fee in this court since I'm unable to pay this fee. R.P.L. Accordingly the \$100.00 filing fee cannot block my access to judicial review in this case.

3.  
CONCLUSION:

WHEREFORE, GRANT my motion to proceed without prepayment of the filing fee, any other relief this court deems just and/or proper.

Appellate Case No.  
2016-000681



Respectfully submitted,  
~~George Cleveland~~  
George Cleveland #357770 TAMR  
TURBEVILLE CORRECTIONAL INST.  
P.O. BOX 252  
TURBEVILLE SC 29162

DATED: APRIL 11, 2016

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA **RECEIVED**

IN THE COURT OF APPEALS APR 13 2016

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

JOHN D. MCLEOD, ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 16-ALJ-04-0102-AP

APPELLATE COURT CASE NO. 2016-000681

George Cleveland III,

S.C.A.C. No. 357770,

APPELLANT,

vi

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

RESPONDENT.

APPELLANT'S PROOF OF SERVICE

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

1.  
APPELLANT'S PROOF OF SERVICE

I, George Cleveland III, certifies that on this date below by and through the Turbeville Correctional Institution's Mail-Room staff served on the Respondent with proper postage affixed and properly addressed the following:

APPELLANT'S MOTION FOR LEAVE TO PROCEED ~~IN~~ <sup>IN</sup> FORMA PAUPERIS; 6-PAGES

APPELLANT'S SUPPORTING APPENDIX, 5-PAGES

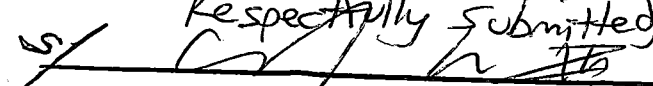
And this PROOF OF SERVICE - 2 PAGES

**RECEIVED**

APR 13 2016

**SC Court of Appeals**

SCDC  
OFFICE OF THE GENERAL COUNSEL  
MR. MATTHEW C. BAICHANAN, ESQUIRE  
P.O. BOX 21787  
Columbia, S.C. 29221-1787

Respectfully Submitted  
  
George Cleveland III #357770  
TURBEVILLE CORRECTIONAL INSTN  
P.O. BOX 252  
TURBEVILLE, S.C. 29162

DATED: APRIL 11, 2016

April 11, 2016.

The South CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK OF COURT  
Post office Box 11629  
Columbia, S.C. 29211

RECEIVED

APR 13 2016

SC Court of Appeals

Re: George Cleveland III v. SCD CJ Appellate case no.  
2016-000681

1. DEAR Ms. Kitchings,

Attached to this letter is my motion for  
leave to proceed IN FORMA PAUPERIS supporting Appendix  
AND PROOF OF SERVICE.

2. CAN you please file, forward to the court  
for their consideration, and kindly stamp the  
extra copies in the self-addressed-stamped-  
envelope, and mail back to me?

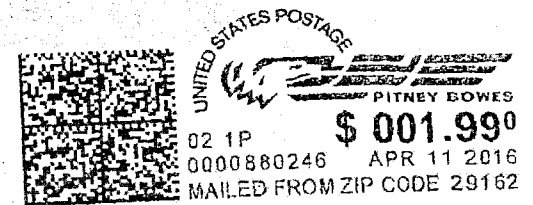
Respectfully Requested,

~~George Cleveland III~~

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

CC: FILE  
MR. MATTHEW C. BUCHANAN Esquire.

VILLE C. I.  
OOM  
52  
EVILLE. S. C. 29162



George Cleveland III #3577705TA118

**RECEIVED**

APR 11 2016  
MAILROOM  
TURBEVILLE CI

Legal Mail  
The South CAROLINA COURT OF APPEALS  
Jenny Abbott Kitchings clerk of court  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

APR 13 2016  
SC Court of Appeals