

APPELLANT'S SUPPORTING
APPENDIX

THE STATE OF SOUTH CAROLINA
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-AP

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.

APPELLANT APPENDIX

George Cleveland, III, 357770
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, S.C. 29162
Pro se Appellant

INDEX

APPELLATE CASE NO.

2016-000681

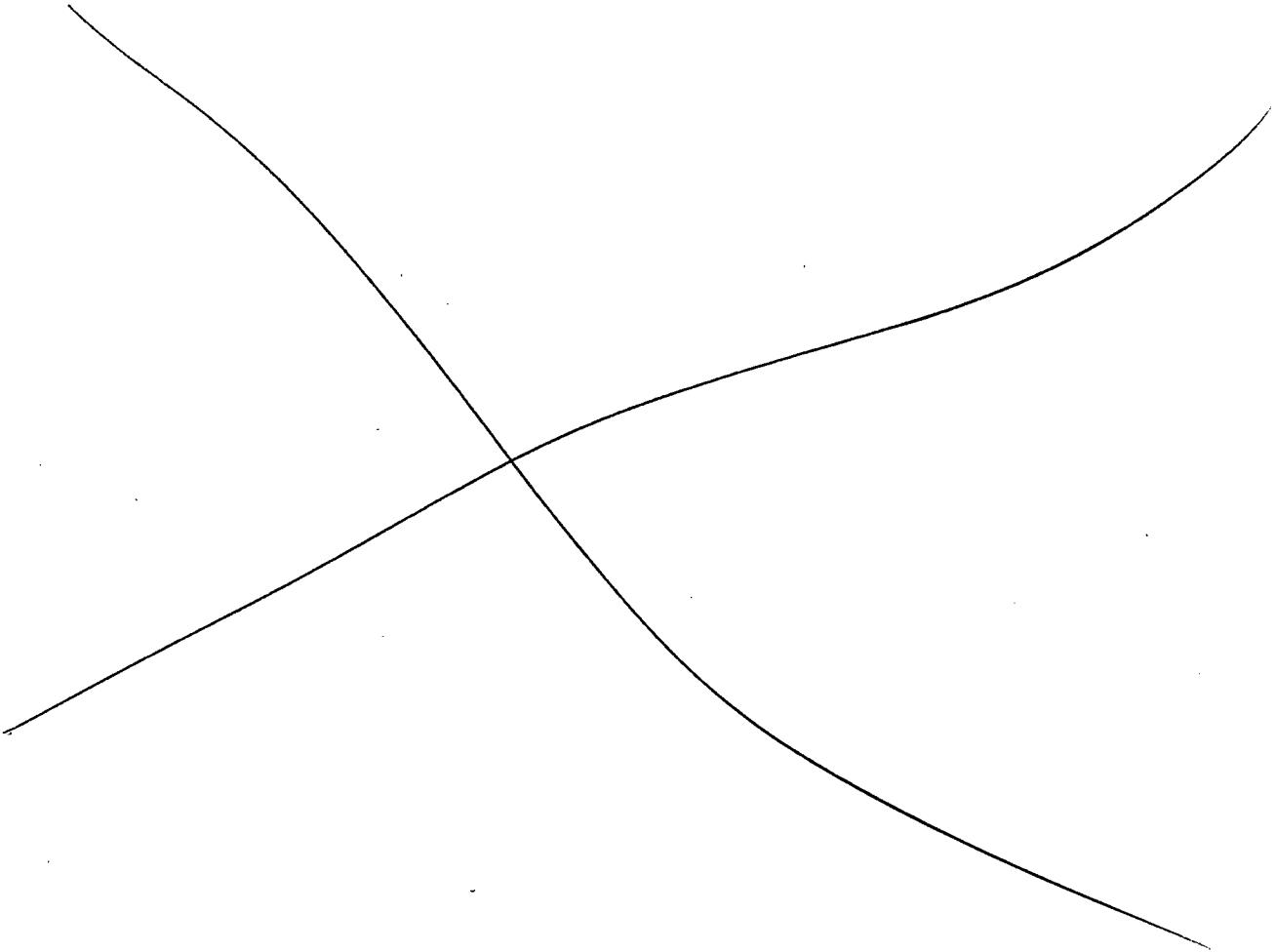
PAGE (5)

PRISON - TRUST - FUND - STATEMENT 1

SOUTH CAROLINA ADMINISTRATIVE LAW COURT

ORDER OF DISMISSAL (Docket No. 16-ALJ-04-0102-AP

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FINANCIAL CERTIFICATE FOR THE DISTRICT OF SOUTH CAROLINA

(for use in § 1983, *Bivens*, and non-habeas civil actions filed by prisoners)

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I am granted *in forma pauperis* status, I authorize and consent to collection of the \$ 350 filing fee in accordance with 28 U.S.C. § 1915(b) until the filing fee is paid in full as well as any amount of costs, sanctions, and/or fees that might be imposed by the court during this litigation. I understand that if I do not qualify for *in forma pauperis* status, I will have to pay \$400 to proceed with my case, which includes the full \$350 filing fee as well as an additional \$50 administrative fee established by the Judicial Conference of the United States. The \$50 administrative fee is not applicable to *in forma pauperis* cases.

George Cleveland J III
INMATE NAME (PRINTED)

357770 TA132
INMATE (PRISONER) NUMBER

[Signature]
INMATE SIGNATURE

Turbeville Correctional Inst.
PLACE OF CONFINEMENT

- ◆ (1) Average monthly deposits to the inmate's account.....\$ 0
- ◆ (2) Average monthly balance in the inmate's account calculated for the prior six months period.\$.01
- ◆ (3) Current Balance\$ 0
- ◆ (4) Initial Installment Payment - due upon granting of *in forma pauperis* status (Take 20 percent of the greater of lines 1 or 2).....\$ 0

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

[Signature]
Authorized Officer's Signature

12/30/15
Date

A. Hammond Financial Accounting
Authorized Officer's Name and Title

649 S.E. 2d 35 (2007).

S.C. Dep't of Corr. v. Mitchell, 377 S.C. 256, 259, 659 S.E.2d 233, 235 (Ct. App. 2008),

cites Furtick, as follows:

Furtick holds that when an inmate's grievance to an ALC does not implicate a state created liberty or property interest, the ALC **may** (emphasis in original) summarily dismiss the appeal at its discretion. Thus, the ALC clearly had subject matter jurisdiction to hear Mitchell's appeal. Although the ALC could have addressed whether Mitchell's claim implicated a liberty or property interest, and thus could have summarily dismissed the case if it determined Mitchell's claim did not, the ALC chose not to, and heard the appeal. Under Furtick, this was in the ALC's discretion.

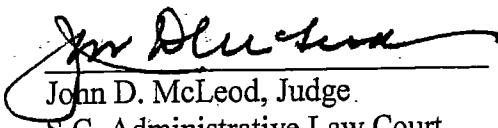
When reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Al-Shabazz at 380, 527 S.E.2d at 756. Consequently, the review in inmate grievance cases is limited to the record presented.

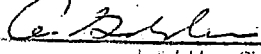
Under Slezak v. S.C. Dep't of Corr., 361 S.C. 327, 605 S.E. 2d 506 (2004), the ALC is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." There is clearly no state created liberty or property interest implicated here.

This is clearly a medical case in which this Court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedure **and other internal prison matters.** (emphasis supplied) See Pruitt v. State, 274 S.C. 565, 266 S.E. 2d 779 (1980) and Al-Shabazz.

THEREFORE, for the foregoing reasons, the decision appealed from is **AFFIRMED** and this appeal is **DISMISSED WITH PREJUDICE**.

Columbia, S.C.
February 17, 2016


John D. McLeod, Judge
S.C. Administrative Law Court

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, by the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 22 day of February, 2016
By: 
Judicial Law Clerk

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,

vs

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~~
FORMA PAUPERIS; 6-PAGES

APPELLANT'S SUPPORTING APPENDIX, 5-PAGES


And this PROOF OF SERVICE - 2 PAGES

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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

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SC Court of Appeals

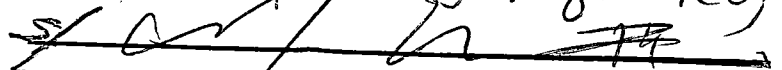
Re: George Cleveland III v. SCD CJ Appellate case no.
2016-000681

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 #357770
TURBEVILLE CORRECTIONAL INST.

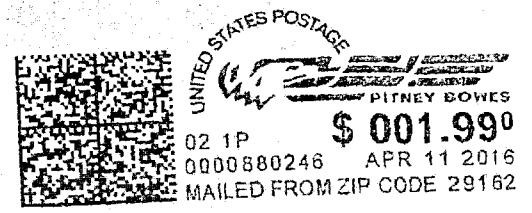
P.O. - Box 252

TURBEVILLE, S.C. 29162

CC: FILE

MR. MATTHEW C. BUCHANAN Esquire.

VILLE C. I.
COM
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VILLE, S. C. 29162



George Cleveland III #3577705TA118

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

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