

APPELLANT'S MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

S. PHILLIP LENSKI, ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 16-ALJ-04-0030-AP

APPELLATE CASE NO. 2016-1033

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JUL 08 2016

SC Court of Appeals

GEORGE CLEVELAND, III, APPELLANT,
S.C.D.C. NO. 35770,

v.

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

GEORGE CLEVELAND, III, #35770
TURBEVILLE CORRECTIONAL INST.
1578 CLARENCE COKER HWY
TURBEVILLE, S.C. 29162
PRO SE LITIGANT

1.
MOTION TO PROCEED IN FORMA
PAUPERIS

MAY IT PLEASE THE COURT: George Cleveland, III,
proceeding pro se respectfully moves this court to
GRANT this motion to proceed IN FORMA PAUPERIS;
without prepayment of this court's FILING FEE on the
following grounds:

I'm indigent without any source of income;
And an Federal Right(s) to access the courts.

2.
ARGUMENT: I HAVE AN FEDERAL
RIGHT TO ACCESS THE
COURTS

The IN FORMA PAUPERIS Act title 28 U.S.C.A. § 1915 (A)(1)
state the following relevant part:

“ . . . Any court . . . may authorize the commencement
prosecution or defense of any . . . action or
proceeding, 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 fee . . . ”

the First Amendment (Access to court) under the united

states constitution states the following this
relevant of part:

"congress shall make no law... prohibiting
[Appellant to] petition the Government for a redress
of grievances," And finally my 1st Federal Right
to access the courts, And under the Fourteenth
Amendment (due process; liberty/property interest) state
the following relevant part:

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

these amendments, id, and federal statute, id, prevents
the blockade of access to this court based solely on my
inability to pay the \$100.00 filing fee prior to this court
reviewing the opinion of the ALC regarding the inadequate
of the handling of my legal mail by S.C.D.C. prison
employees.

This court is set-up for the settling of legal disputes
for rich men, as well as poor men. The attached prison
trust-fund¹ show no money to my name, accordingly,
I'm a poor man with an constitutional and federal

1, EXHIBIT-1. PRISON-TRUST FUND-ACCOUNT-STATEMENT.

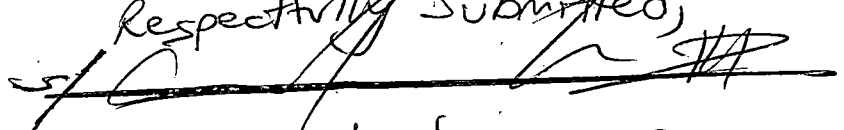
2.

Statutory Right to Access this court despite my inability to pay the \$100.00 filing fee in this court.

4.
PRAYER - FOR - RELIEF!

Based on the foregoing facts, I respectfully request the following relief!

GRANT MY MOTION TO PROCEED IN FORMA PAUPERIS without prepayment of the filing fee of \$100.00, order an briefing schedule along with matters to be included in the record on appeal respectively, any other relief this court deems just, proper and/or impartial.

Respectfully submitted,

George Cleveland ~~JIT #35770~~ TA118
TURBEVILLE CORRECTIONAL INSTITUTION
1578 CLARENCE COKER HWY -
TURBEVILLE, S.C. - 29162.

DATED: JUNE 30, 2016

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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, III
INMATE NAME (PRINTED)

357770

TA 118

INMATE (PRISONER) NUMBER

[Signature]
INMATE SIGNATURE

Turbeville Correctional
PLACE OF CONFINEMENT TA-118 ✓

- ◆ (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.\$ 0
- ◆ (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

SCDC-FINANCIAL ACCT
2016 APR 18 PM 1:50

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

M. Boykin
Authorized Officer's Signature

4/18/16
Date

M. Boykin Financial Acct.
Authorized Officer's Name and Title

APPELLANT'S PROOF OF SERVICE

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA.

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

S. PHILLIP LENSKI, ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 16-ALJ-04-0030-AP

APPELLATE CASE NO. 2016-1033

GEORGE CLEVELAND III,

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

v.

APPELLANT,

SOUTH CAROLINA DEPARTMENT

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

RESPONDENT,

GEORGE CLEVELAND III, #357770

TURBEVILLE CORRECTIONAL INST.

1578 DARENCE COKER HWY.

TURBEVILLE, S.C. 29162.

PRO SE LITIGANT

1.
APPELLANT'S PROOF OF SERVICE

APPELLANT CASE #

2016-1033

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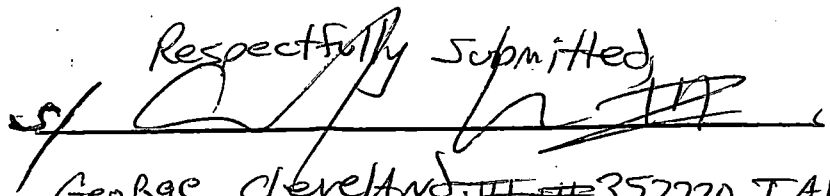
JUL 08 2016

I, George Cleveland, III, certifies that on the date below by and through the Turbeville Correctional Institution's mail-room-staff, properly addressed with proper United States postage affixed the following legal documents:

APPELLANT'S motion for leave to proceed *IN FORMA PAUPERIS*, inmate trust-fund-account-statement, and this proof of service was mailed to the following:

S.C.J.C.
OFFICE OF GENERAL COUNSEL
CHRISTINA CATOE BIGELOW, ESQUIRE
P.O. Box 21787
COLUMBIA, S.C. 29221-1787

Respectfully Submitted,



George Cleveland, III #357770, TA118
TURBEVILLE CORRECTIONAL INSTITUTION
1578 CLARENCE COKER HWY.
TURBEVILLE, S.C. 29162.

DATED: JUNE 30, 2016.

JUNE 30, 2016.

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SC Court of Appeals

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

Re: George Cleveland ~~III~~ v. S.C.D.C.; Appellate case No.
2016-001033; MOTION TO FILE IN FORMA PAUPERIS AS
TIMELY

1. DEAR, Ms. Kitchings,

I respectfully request that you FILE my ATTACHED
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
IN THIS CASE. AS TIMELY FILED ON THE FOLLOWING
GROUNDS:

Multiple-prison-lockdowns; INADEQUATE supply of
LEGAL-PAPER, AND multiple other LEGAL CASES.

2. The PRISON-lock-downs here AT TURBEVILLE prevents me.
FROM picking-up legal-white-paper, mailing, AND receiving
LEGAL-MAIL which all caused me prejudice under.

Lewis v. CASEY 518 U.S. 343, 349, 351-53, 116 S.Ct. 2174
(1996), id. at 2178-80; Accordingly, I have standing to request
the ATTACHED motion to proceed IN FORMA PAUPERIS.

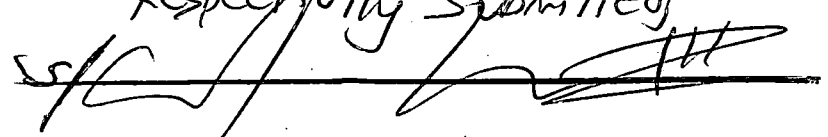
3. I, George Cleveland ~~III~~, swears AND declares under the
penalty of PERJURY, the foregoing facts ARE true to the
best of my knowledge.

PAGE 1 OF 2.


DECLARANT'S SIGNATURE

LOCATION: TURBEVILLE CORRECTIONAL

DATED: JUNE 30 2016

Respectfully Submitted,


George Cleveland ~~III~~ #35770 JAIK
TURBEVILLE CORRECTIONAL INST.
1578 DARENCE COKER HWY.
TURBEVILLE S.C. 29162

CC: FILE
CHRISTINA CATOE BIGELOW, Esquire

The South Carolina Court of Appeals

George Cleveland #357770, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-001033

The Honorable S. Phillip Lenski
Trial Court Case No. 2016ALJ040030AP

ORDER

Appellant has failed to pay the filing fee and show proof of service on the Administrative Law Court, as required by Rule 203 of the South Carolina Appellate Court Rules, and the letter of this Court dated May 17, 2016. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

George Cleveland #357770

Christina Catoe Bigelow, Esquire

Jana E. Shealy

FILED

6-9-16

TURBEVILLE
MAIL ROOM

TURBEVILLE, S.C.

George Cleveland #113577705 TA118
Federal Hwy,



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Legal MAIL
The South CAROLINA Court of Appeals
Jenny ABBOTT Kitchings, Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211

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SC Court of Appeals