

August 09, 2016.

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, clerk of court
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED

AUG 15 2016

SC SUPREME COURT

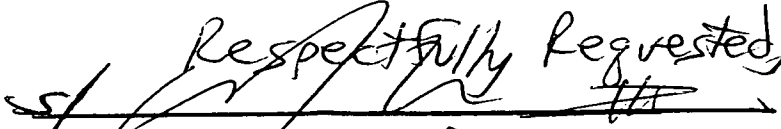
Re: Petitioner's Emergency Motion for An T.R.O. ...
George Cleveland, ~~III~~ v. State, Appellate case No. 2015-
002251, And supporting declarations.

1. Dear Mr. Shearouse,

Attached to this letter is my Emergency motion for An T.R.O. to Enjoin the warden of Tiger River from interfering with my access to legal copies to support my pleadings. I did not serve the respondent because of the urgency in this matter as I cannot communicate with this court without supporting documents, i.e., LEGAL COPIES.

2. Can you please file and forward to the chief justice for urgent consideration?

3. Can you also please kindly stamp the extra copies and mail back to me in the self-addressed stamped envelope?

Respectfully Requested,

George Cleveland, ~~III~~ #357770
Tiger River Correctional Inst
200 PRISON ROAD
ENOKEE, SC 29335

CC: FILE

PETITIONER'S EMERGENCY MOTION FOR
AN TEMPORARY RESTRAINING ORDER.
TO ENJOIN TYGER RIVER'S WARDEN DENNIS
BUSH FROM INTERLOPING WITH MY RIGHT
TO LEGAL COPIES; PREJUDICE SUFFERED

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

DANIEL P. HALL; CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-1895

APPELLATE CASE NO. 2015-002251

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

v.

STATE OF SOUTH CAROLINA, RESPONDENT.

PETITIONER'S EMERGENCY FOR AN T.R.O. . . .

OFFICE OF THE ATTORNEY GENERAL
KAREN C. RATIGAN, ESQUIRE
P.O. Box 11549
COLUMBIA, S.C. 29211
ATTORNEY FOR RESPONDENT

GEORGE CLEVELAND, III, #357770
TYGER RIVER CORRECTIONAL INST.
200 PRISON ROAD
ENDREE, S.C. 29335
PROSE PETITIONER

LEGAL MAIL

1,
PETITIONER'S MOTION FOR AN T.R.O. . . .

~~MAY~~ PLEASE THE COURT: George Cleveland ~~III~~, proceeding pro se in the above captioned ^{case} respectfully, and urgently request this court to GRANT this motion for an EMERGENCY TEMPORARY RESTRAINING ORDER . . . on the following ground:

Tyger River's WARDEN DENNIS BUSH DEPRIVED ME OF MY FEDERAL AND STATE RIGHT TO ACCESS THE COURTS UNDER the First and Fourteenth Amendment of the United States Constitution, and SCDC POLICY GA-01.03 (INMATE ACCESS to the courts) by depriving me of: LEGAL-COPIES.

2,
BRIEF RELEVANT-BACKGROUND:

ON August 09, 2016, around 1:20 P.M., OFFICER JI. BATES OF the Tyger River CORRECTIONAL INSTITUTION Assigned to the PRISON'S EDUCATION Building (Ctuw-Library is Among the entities within) stated the following RELEVANT statement:

BATES: "WARDEN BUSH ~~TOLD~~ ME NOT TO MAKE YOU ANY MORE copies . . ."

ME: "You joking Right"?

BATES: "NO I'M SERIOUS . . ."

1,

LEGAL MAIL

ME: "CAN I get that in writing"?

BATES: "I Aint putting nothing in writing!?"

ME: "OKAY, CAN YOU put what you just told me in the Green Book!"¹,

BATES: "I Aint putting nothing in the Book," see attached

Supporting Declaration At PAR. 2 (hereinafter ASD.)

The Legal copies consisted of:

SUPPORTING EXHIBITS IN A MOTION PREPARED IN THIS COURT;

ATTORNEY FEE DISPUTE FILING WITH THE S.C. BAR; WITH SUPPORTING DOCUMENTS;

Request to STAFF member (RTSM) written to MS. KMACK OF TURBEVILLE CORRECTIONAL in reference to my missing food items from the spring food package my family ordered me which she inventoried on JUNE 29, 2016 with supporting documents;

Filing in the UNITED STATES CONSUMER FINANCIAL PROTECTION BUREAU REGARDING A LEGAL ACTION in the OCOEE COUNTY COURT OF COMMON PLEAS with supporting documents;

¹ The Green Book is A log-of-Activity during the PARTICULAR shift, i.e., Accidents, use-of-force, incidents; specific times the officers ARE required to count (Inmates) AND the specific times count clears from operations, etc., IBID.

2,

LEGAL MAIL

AND A RTSM written to the office of General Counsel
At SCDC's central office in Columbia, S.C. Regarding
pending/outstanding grievances, see A.S.D. At PAR 3.
Officer J. Bates caused me prejudice by not making
my legal copies that I needed for legal filing, id, in
violation of Lewis v. Casey², 518 U.S. 343, 5 Ct. 2174 U.S.
AR 12, (1996), id, At 2178-80; According I have standing
to request this court to enforce my federal and state
rights to access the courts:

1st Amend Access to the courts; U.S. Const;
14th Amend Due Process Property/Liberty Interest; U.S. Const;
And under SCDC Policy GA-01.03 (Inmate Access to
the courts) § 12 (Photocopies) "Inmates may request
photocopies of their legal materials and documents to
support a pleading." And NOTE: "ANY inmate will
not be denied access to . . . legal materials" . . . under
§ 11, ~~IBID~~,

The Access to the courts policy, id, § 1 precludes
" . . . reprisals, harassment or punishment nor penalties

2, whereas, the supreme court of the united states removed,
An inmate must suffer "Actual Injury" to prevail on
the denial of Access to the courts by prison officials, id
At 2178-80.

for Request of legal material to Access the courts!!

officer Bates' Allegation that WARDEN Bush ordered him to not make anymore legal copies for me is Against the policy of his own EMPLOYER. IBID. URGENT help is needed to enforce my rights, that ARE being ignored, AND Abused.

3.

TEMPORARY RESTRAINING ORDER - ELEMENTS!

Rule 65(b) S.C.R.C.R. Requires the following elements:

Immediate INJURY;

IRREPARABLE INJURY;

AND loss will result without Relief;

Immediate INJURY ETC.

Without legal copies, I cannot support my pleadings with supporting documents: "the Appellate court will not consider any fact which does not appear in the record on appeal." Rule 210(h) S.C.R.C.R.; Accordingly, my filed pleadings would BE FRIVOLOUS. This also is true in any other, COURT, or GOVERNMENTAL Agency thus, I'm currently AND will

4.

LEGAL MAIL

Remain idle without sufficient access to the court, which will result to an total disconnection between me, and this court, in violation of my FEDERAL Right to Access the courts through non-frivolous means, i.e., supporting legal documents that must be reproduced in order to comply with the sufficient number of legal copies required under the South Carolina Appellate Court Rules, and/or any other court's rules of the court. In *Bounds v. Smith*, 430 U.S. 817 S.Ct. (1977), the United States Supreme Court Reasoned the state must provide me with adequate access to the courts, and *Lewis v. Casey*, id., required "ACTUAL INJURY." As stated above, Warden Bush Allegedly told officer J. Bates not to make any legal copies for me on August 03, 2016, provided STANDING for me to seek judicial redress from this court, and without and T.R.O. from this court, IRREPARABLE HARM AND LOSS will continue; consequently, GRANTING my Emergency T.R.O. so I'm once again able to obtain legal copies from Tyger River Correctional Institution.

4.
SPECIFIC RELIEF REQUESTED:

4-1. ENJOIN - WARDEN DENNIS BUSH OF TYGER RIVER CORRECTIONAL INSTITUTION; 200 PRISON ROAD; ENOREE, SC, 29335. FROM.

5.

LEGAL MAIL

Preventing me (George Cleveland, III, SCDC NO. 357770) from obtaining legal photocopies; pursuant to my right to obtain legal photocopies under SCDC Policy GA-01.03 §12: "Inmates may request photocopies of their legal materials and documents to support a pleading, all photocopying must relate to challenging or appealing the inmate's sentence or to challenge the conditions of his/her confinement ... " see A.S.D. At PAR. 4.

4-2. set the expiration date for 10 days from the date of issuance, and I respectfully reserve my right to request an extension under Rule 65 (B) SCRPC, and preliminary restraining order to enforce my federal, and state rights to legal copies at the Tyger River Correctional Institution. IBID.

4-3. Any other relief this court deems just, proper, and/or impartial.

4-4. MAIL, FAX, OR EMAIL A COPY OF THE T.R.O. TO THE OFFICE OF GENERAL COUNSEL % DAVID TARTASKY, P.O. BOX 21787, COLUMBIA, SC 29221-1787. ~~Respectfully submitted,~~

~~George Cleveland, III, #357770~~
Tyger River Correctional Inst.
200 PRISON ROAD
ENOKEE, S.C. 29335

Dated: AUGUST 09, 2016.

G.

LEGAL MAIL

DECLARATIONS IN-SUPPORT OF AN
EMERGENCY T.R.O.

APPELLATE CASE NO. 2015-002251

1. I, George Cleveland, ~~III~~, declares, and swears under the penalty of perjury, the following facts are true to the best of my knowledge;
2. Exchange between George Cleveland, ~~III~~ and officer J. BATES of the Tyger River Correctional Institution on August 09, 2016 around 1:20 p.m.; inside the Education Building at Tyger River;
BATES: "warden Bush told me not to make you anymore copies, " "
ME: "you joking right " "
BATES: "no I'm serious ... " "
ME: "can I get that in writing " "
BATES: "I aint putting nothing in writing,
ME: "okay, can you put what you just told me in the Green-Book. " ? (officer's Activity Log-Book).
BATES: "I aint putting nothing in the Book. "
3. on 8/09/16 at around 1:20 p.m., I requested legal copies from officer J. BATES of Tyger River

page 1 of 2.

LEGAL MAIL

Appellate CASE No.

2015-002251

CORRECTIONAL INSTITUTION. THE FOLLOWING SPECIFIC DOCUMENTS:

SUPPORTING EXHIBITS IN A MOTION PREPARED IN THIS COURT;

ATTORNEY FEE DISPUTE FILING WITH THE S.C. BAR; WITH SUPPORTING DOCUMENTS;

REQUEST TO STAFF MEMBER (RTSM) WRITTEN TO MS K. MACK OF TURBEVILLE CORRECTIONAL INSTITUTION

REGARDING MY MISSING FOOD ITEMS SHE INVENTARIED ON JUNE 29, 2016 FROM MY SPRING-FOOD PACKAGE MY FAMILY ORDERED ME.

FILING IN THE UNITED STATES CONSUMER FINANCIAL PROTECTION BUREAU REGARDING LEGAL ACTION IN THE OCOEE COUNTY S.C. COURT OF COMMON PLEAS; AND DOCUMENTS WRITTEN TO THE SCDC'S OFFICE OF GENERAL COUNSEL, AND SUPPORTING DOCUMENTS REGARDING OUTSTANDING GRIEVANCES

4. I NEED URGENT HELP FOR ACCESS TO THE COURTS WITH LEGAL COPIES SO MY PLEADINGS ARE NON FRIVOLOUS.

DECLARANT'S SIGNATURE

PRINTED NAME

George Cleveland #25720

LOCATION
Tyger River Correctional
Enoree, SC

DATED

August 09, 2016

Page 2 of 2

LEGAL MAIL

George Cleveland ~~and~~ #35770, U815-13
Tyger River Correctional Inst
200 Prison Road
Enderss-c-29335

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TYRRI MAILROOM

Mr
K. J. ...
2015 ...

The Supreme Court of South Carolina
Daniel E. Shearers, Clerk of Court
P.O. Box 11330
Columbia SC 29211

