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AUG 24 2016

SC Court of Appeals

APPELLANT'S MOTION FOR LEAVE
OF COURT TO PROCEED ~~IN~~
FORMA PAUPERIS

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 CASE NO. 2016-000681

GEORGE CLEVELAND, III,

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

v.

SOUTH CAROLINA DEPARTMENT

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

APPELLANT,

RESPONDENT.

APPELLANT'S MOTION FOR LEAVE

S.C.D.C.,

OFFICE OF GENERAL COUNSEL

c/o MATTHEW C. BUCHANNAN, ESQUIRE

P.O. BOX 21787

COLUMBIA S.C. 29221-1787

ATTORNEY FOR THE RESPONDENT,

GEORGE CLEVELAND, III #357770

TYGER RIVER CORRECTIONAL INST.

200 PRISON ROAD

ENOREE, S.C. 29335

PROSE APPELLANT

L
MOTION TO PROCEED 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 INFORMA PAUPERIS Act Title 28 U.S.C.A. § 1915 (a)(1);
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
Dollar (\$100.00) filing fee because I'm an state
INMATE in the custody of the S.C.D.C., see Attached
INMATE TRUST FUND.

2.
LEGAL - STANDARD:

The INFORMA PAUPERIS Act states the following
RELEVANT PART:

CC . . . Any court . . . MAY authorize the
commencement, prosecution or defense of any
. . . action or proceeding, civil or criminal
or appeal] therein without prepayment of fees

1.

LEGAL MAIL

... by a person who submits an ...
Statement of All Asset such PRISONER possesses
that the PRISONER is unable to pay such fee..."

The First Amendment (Access to courts)
states the following RELEVANT PART:

"Congress shall make no law ... prohibiting
[Appellant to] petition the Government for a redress
of grievances."

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..."

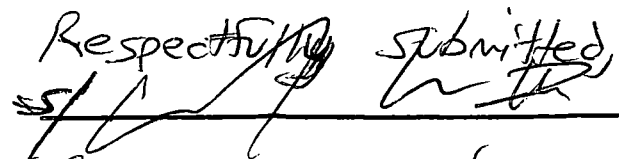
The constitution protects me from poor prison
conditions, and the IN FORMA PAUPERIS Act gives
me access to the courts without paying the filing
fee in this court since I'm unable to pay this

fee in this court since I'm unable to pay this
fee in this court since I'm unable to pay
this fee; accordingly, the \$100.00 filing fee cannot
despite my access to judicial review in this court.

3
CONCLUSION:

WHEREFORE, GRANT my motion for leave to proceed
in forma pauperis without prepayment of the filing
fee.

Any other relief this court deems just and/or
proper.

Respectfully submitted,


George Cleveland #35770
Tyger River Correctional Inst.
200 Prison Road
Ewahee, S.C. 29335

Dated: August 17, 2016.

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

JOHN D. MCLEOD; ADMINISTRATIVE LAW JUDGE

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

APPELLATE CASE NO. 2016-000681

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

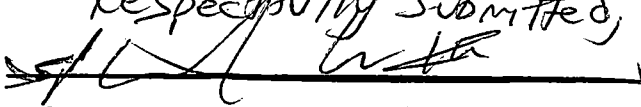
v.
SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS (S.C.D.C.),

RESPONDENT.

I, George Cleveland, III, certifies that on the date below, he has served on the Attorney for the Respondent, my Motion for Leave to proceed ~~IN~~ FORM PAUPERIS AND PROOF OF SERVICE TO THE FOLLOWING BY UNITED STATES MAIL; PROPER POSTAGE, AND PROPERLY ADDRESSED:

S.C.D.C.
OFFICE OF GENERAL COUNSEL
c/o MATTHEW C. BUCHANAN, ESQUIRE
P.O. BOX 21787
COLUMBIA, S.C. 29221-1787
Attorney for Respondent

Dated: August 17, 2016.

Respectfully submitted,

George Cleveland, III #35770
TYGER RIVER CORRECTIONAL INST
200 PRISON ROAD
ENOREE, S.C. 29335

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MAILROOM
TURBEVILLE CI

Exhibit 1

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

SC00-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

August 17, 2016

The South Carolina Court of Appeals

Jenny Abbott Kitchings, Clerk of Court

Post Office Box 11629

Columbia SC 29211

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SC Court of Appeals

Re: George Cleveland, III v. SCDC; Appellate Case No. 2016-000681; Appellant's Motion to Proceed in Forma Pauperis.

1. DEAR MS. KITCHINGS,

Can you please file this motion to proceed in Forma Pauperis to Rehearing Petition, and forward to the court for its consideration?

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

Respectfully Requested,



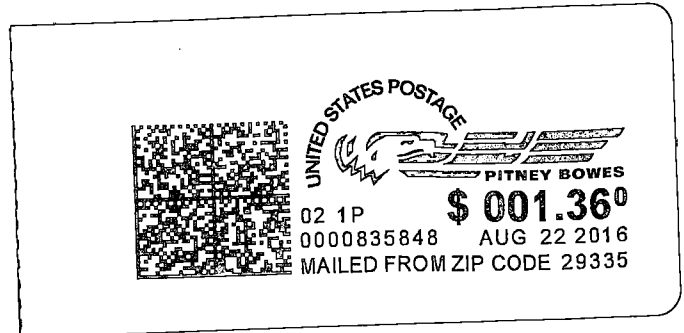
George Cleveland, III #357770
Tyger River Correctional Inst.
200 Prison Road
Enoree SC 29335

CC: FILE

MATTHEW C. BUCHANAN, ESQUIRE

LEGAL MAIL

Ge [redacted] 15-B
Tyger River Correctional Inst.
200 PRISON ROAD
ENOREE, SC. 29335



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The South CAROLINA court of Appeals
Jenny ABBOTT KITCHINGS, clerk of court
Post office Box 11629
Columbia, S.C. 29211

