

DECEMBER 27, 2016

ATTN: DANIEL E. SHERROUSE, ESQUIRE
SOUTH CAROLINA SUPREME COURT
CLERK OF THE COURT
P.O. BOX 11330
COL., SC 29211

FROM: BOBBY JOE BARTON, PRO SE
; S.C.D.C. NO: #163629
; CASE NO: 2014-CR-23-5047
; APP. CASE NO: 2016-000995

Re: "DENIAL OF ACCESS TO THE COURT & REQUESTING RESTRAINING ORDER"

DEAR CLERK,

I AM FILING A MOTION WITH YOUR COURT AND REQUESTING A RESTRAINING ORDER AGAINST THE STATE AND ITS EMPLOYEES MENTIONED IN THE COMPLAINT FOR VIOLATING MY 1ST, 6TH, & 14TH AMENDMENT RIGHTS TO BE GUARANTEED ACCESS TO THE COURTS. I REQUEST THAT THIS MOTION BE BROUGHT TO THE ATTENTION OF THE COURTS IN A EXPEDITED MANNER AND SAID RESPONDENT AND ITS AGENTS BE NOTIFIED TO CEASE AND DESIST OF THEIR DUTIES TO THE PETITIONER ATTEMPTING TO FILE NECESSARY PAPERS TO THE COURT. I RESPECTFULLY REQUEST THAT YOU TO PLEASE SEND ME A CLOCK STAMPED COPY OF MY MOTION PLEASE, SIR OR MAMAM

RESPECTFULLY SUBMITTED,

Bobby Joe Barton Pro Se

BOBBY JOE BARTON, #163629
McCORMICK CORR INST.
386 REDEMPTION WAY
McCORMICK, SC 29579

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JAN 4 2017

S.C. SUPREME COURT

16000117

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Bobby Joe Barton,
PROSE APPELLANT
V.
STATE OF SOUTH CAROLINA,
RESPONDENT

ORDER TO SHOW CAUSE FOR AN
EMERGENCY
PRELIMINARY INJUNCTION
AND A
TEMPORARY RESTRAINING
ORDER.

CASE NO. #2014-CP-23-5047
APP. CASE: #2016-000995

UPON THIS COMPLAINT, SUPPORTING AFFIDAVIT OF APPELLANT AND
MEMORANDUM OF LAW SUBMITTED HERewith IT IS:

ORDERED THAT RESPONDENT THE STATE OF SOUTH CAROLINA AND
ITS AGENTS AND EMPLOYEES SUCH AS LEROY CARTLEDGE, WARDEN AT
MCCORMICK CORRECTIONAL, ALLISON GLIDEWELL, ASSOCIATE WARDEN OF PROGRAMS
AT MCCORMICK CORRECTIONAL, LT. TUTT, RHW UNIT, CPL. P. MORTON, AT MCCOR-
MICK CORRECTIONAL INST. ETC. & AL. SHOW JUST CAUSE IMMEDIATELY WHY AN
EMERGENCY PRELIMINARY INJUNCTION SHOULD NOT BE ISSUED PURSUANT TO
RULE 65(a) FED. R. CIV. PROCEDURE, ENJOINING THE SAID RESPONDENT, THEIR
SUCCESSORS IN OFFICE, AGENTS AND EMPLOYEES AND ALL OTHER PERSONS ACT-
IN CONCERN AND PARTICIPATION WITH THEM FROM VIOLATING PETITIONERS' FIRST SIXTH
AND FOURTEENTH AMENDMENT RIGHTS OF THE UNITED STATES CONSTITUTIONAL
AMENDMENT BY DENYING HIM REASONABLE ACCESS TO THE COURTS AND EQUAL
PROTECTION AS GUARANTEED BY THE 1ST & 14TH USCA. see: "JOHNSON V. AVERY"
6th
1.

398 U.S. 483 (1969) (PRISONERS' RIGHT OF ACCESS TO THE COURTS MAY NOT BE DENIED OR OBSTRUCTED), "LEWIS V. CASEY," 518 U.S. 343 (1996) AND "BONNIS V. SMITH," 430 U.S. 817 (1977) (PRISONERS HAVE A FUNDAMENTAL CONSTITUTIONAL RIGHT TO ADEQUATE, EFFECTIVE AND MEANINGFUL ACCESS TO THE COURTS TO CHALLENGE VIOLATIONS OF CONSTITUTIONAL RIGHTS.)

THE PETITIONER IN CASE AT HAND IS BEING DENIED ACCESS TO THE COURTS AT MCCORMICK CORRECTIONAL INSTITUTION BY THE ABOVE NAMED INDIVIDUALS IN THE RESPECTIVE POSITIONS ALONG WITH STAFF NAMED AND UNKNOWN WHOM ALL ARE EMPLOYEES OF THE STATE OF SOUTH CAROLINA WHOM IS THE RESPONDENT OF HIS APPEAL. "THE STATE AND SCS EMPLOYEES DENYING AND OBSTRUCTING PETITIONERS' RIGHT TO CHALLENGE AND PERFECT AN APPEAL BY REFUSING HIM ACCESS TO THE LAW LIBRARY COMPUTERS, LAW LIBRARY BOOKS, REFUSING TO COPY LEGAL DOCUMENTS (NOT HAND GENERATED, BUT OFFICIALLY), REFUSING TO NOTIFY SUPERIORS THAT PETITIONER HAVE AN OFFICIAL COURT DEAD-LINE," THE ADMINISTRATION HAS ONLY ONE (1) PERSON IN THE LAW LIBRARY POSITION, "MS. MORTON (CPL)" AND SHE'S RARELY HERE. SHE IS NOT KNOWLEDGEABLE OF THE POLICIES OF S.C.D.C. AND DOES NOT KNOW THE DIFFERENCE ~~BETWEEN~~ "A PRO SE LITIGANT" AND A "LITIGANT". THERE IS NO BACK UP PLAN IN PLACE FOR CPL MORTON WHEN SHE'S NOT HERE. NO ONE TO MAKE EMERGENCY COPIES, "LT. TUTT" HERE IN RHM STATES "THAT REGARDLESS HE HAS NO DUTY TO MAKE COPIES OF THE LAW LIBRARY AND THE COURT HAS NO AUTHORITY OVER HIM," THE PETITIONER IS CURRENTLY IN RHM WITH NO CHARGES, NOT UNDER INVESTIGATION, AND THE WARDEN AND HIS SUBORDINATES ARE CONSTANTLY ATTEMPTING TO PLACE HIM IN "F-2" WHICH IS KNOWN AS "GANG LAND UNIT". THE PETITIONER IS "60 YRS OLD" AND DOES NOT HAVE A HISTORY OF VIOLENCE. THE PETITIONER STATES FOR THE FOREGOING REASONS THE COURT WILL ORDER "WARDEN LEROY CHATFIELD" AND HIS SUBORDINATES TO DESIST FROM DENYING AND OBSTRUCTING PETITIONERS' ACCESS TO THE COURT AND TO RECOGNIZE AND ASSIST PETITIONERS' RIGHT OF ACCESS TO THE COURT BY WHATEVER MEANS NECESSARY IN ACCORDANCE WITH THE LAW THAT HE NEEDS TO PERFECT AN APPEAL IN COOPERATION STATUS AS A "PRO SE LITIGANT" AND MEETING A COURT DEAD-LINE. SEE: "YOUNGER V. GILMORE," 404 U.S. 15, 92 S.Ct. 250, 30 L.Ed.2d 142 (1971)

2.

"DECLARATION IN SUPPORT OF APPELLANT'S MOTION FOR AN EMERGENCY PRELIMINARY INJUNCTION AND A TEMPORARY RESTRAINING ORDER."

I BOBBY JOE BARTON, DECLARES UNDER PENALTY OF PERJURY:

1.) I AM THE APPELLANT IN THIS CASE. I MAKE THIS DECLARATION IN SUPPORT OF MY MOTION FOR AN EMERGENCY PRELIMINARY INJUNCTION AND A TEMPORARY RESTRAINING ORDER TO ENSURE THAT I NOT BE DENIED ACCESS TO THE COURTS OR OBSTRUCTED IN ANY WAY FOR PURPOSES OF ME PRESENTING COMPLAINTS AND APPEALS TO THE COURT. See: WOLF V. MCGONWELL, 418 U.S. 539, 578, 94 S.Ct. 2963, 41 L.Ed.2d. 935

2.) AS SET FORTH IN THE COMPLAINT IN THIS CASE, I'VE BEEN DENIED ACCESS TO THE LAW LIBRARY. I BEEN DENIED LAW LIBRARY BOOKS, I BEEN DENIED ACCESS TO THE LAW LIBRARY COMPUTERS, I BEEN DENIED COPIES OF AUTHENTIC DOCUMENTATION PAPER WORK AND I'VE BEEN TOLD THAT I HAVE NO RIGHTS TO ANYTHING HERE AT MC GORMICK CORR. INST.

3.) I WAS TRANSFERRED HERE ON AUGUST 9, 2016 AND SINCE I'VE BEEN HERE THE ADMINISTRATION AND ITS STAFF DOES NOT FOLLOW S.C.D. C. POLICIES GA-01.03 TITLE: INMATE ACCESS TO THE COURTS, ESP. [7.3] WHICH PROVIDES INMATES WHO CAN DEMONSTRATE A PENDING COURT DEAD-LINE WILL BE GIVEN PRIORITY TO USE THE LAW LIBRARY OVER INMATES WITH NO SUCH DEAD-LINES, WHICH ARE GOVERNED BY FEDERAL & STATE STATUTES & CASE LAW OF: BUVINDS V. SMITH, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 AND LEWIS V. CASEY, 116 S.Ct. 2174.

STATE BAR

4.) AS OF SEPT. 20, 2016 I WENT TO THE LAW LIBRARY TO SPEAK WITH MS. MARTON ABOUT A (30) DAY PASS SHE REFUSED WITH AN EXPLANATION THAT SHE HAD GIVEN ME ONE BEFORE I EXPLAINED THAT I NO LONGER HAD A LAWYER AND WAS PROCEEDING PRO SE. SHE DID NOT UNDERSTAND WHAT THAT MEANT SO I EXPLAINED THE DIFFERENCE OF HAVING A CASE IN THE COURT VERSUS PROCEEDING PRO SE. SHE STILL DENIED ME FOR SEVERAL (10) DAYS VIOLATING S.C.D.C. POLICY GA-01.03, 7.1 & 7.3. I EXPLAINED THAT SHE WAS VIOLATING POLICY BY DENYING ACCESS TO THE COURTS. SHE EXPLAINED THAT SHE DID NOT CARE. I ASK WHO WAS HER SUPERIOR OFFICER. SHE INFORMED ME IT WAS "ASSOCIATE WARDEN ALLISON GLIDEWELL".

5.) I SENT A REQUEST TO HER ON THE KIOSK MACHINE IN SEPTEMBER, 2016 AFTER SHE LEFT THE LAW LIBRARY. "MS. GLIDEWELL" HAS NEVER RESPONDED. I SAW HER IN FRONT OF ADMINISTRATION AND REQUESTED TO SPEAK WITH HER ABOUT THIS SHE STATED SHE DID NOT HAVE TIME. I TOLD HER BASICALLY WHAT I WAS ABOUT THE LAW LIBRARY AND PASSES CONCERNING DEAD-LINES. SHE STATED SENT HER A MESSAGE ON THE KIOSK. I TOLD HER THAT I HAD BUT SHE HAS NEVER RESPONDED.

6.) MS. CORNICK HAS TWO (2) DAYS FOR COPIES. MONDAYS & WEDNESDAYS AND THAT'S ONLY IF MS. MARTON IS HERE. I HAVE BEEN DENIED COPIES ON MONDAYS AND WEDNESDAYS DUE TO THE FACT THAT "MS. MARTON" WAS NOT HERE. THEY DO NOT HAVE A SUBSTITUTE TO DO COPIES OR TO BRING A LAW BOOK EVEN IN AN EMERGENCY DEAD-LINE. ON DECEMBER 15, 2016 I HAD A EVIDENTIARY HEARING CHALLENGE AND I WAS GIVEN TO JANUARY 1, 2017 BEFORE THE "JUDGE HALL" RILE ON THE ACCURACY OF THE TRANSCRIPT. I HAVE BEEN DENIED TO GET COPIES OF (3) DOCUMENTS TO SUBSTANTIATE MY CLAIMS. "MS. MARTON" HAS NOT BEEN TO WORK OR DID NOT PICK THE PAPERS UP OUT OF HER MAILBOX. "LT. TERRI" AND "LT. TURT" OF RHU REFUSED TO CONTACT HER OR TO COPY FOR ME TO SUPPORT MY ARGUMENT AND SEND TO "JUDGE DANIEL D. HALL" AND A COPY TO THE DISTRICT ATTORNEY OFFICE TO "MR. PATRICK SCHNECKPETER". I MAILED WHAT I HAD BUT BEFORE I DID, I MADE IT CLEAR THAT BOTH THESE LEUTENANTS HAD A.

A DUTY TO ASSIST ME IN GETTING THE DOCUMENTS PREPARED TO MAIL TO THE COURTS. I SHOW THEM MY COURT ORDER AND PERMISSION TO PROCEED PRO SE. "LT. TERRY" AND "LT. TUTT" SAID THEY WERE NOT CONCERNED WITH ME NOR THE COURTS.

7.) I WROTE WARDEN LEROY CARTLEDGE IN NOVEMBER, 2016 EXPLAINING THAT HIS OFFICERS WAS REFUSING TO BRING MY PROPERTY SO I COULD GET SOME CASE LAW AND A MANUAL ON BRIEF WRITINGS THAT I PURCHASED FROM THE LEGAL SYSTEM AND INFORMING THE COMPUTER OR R.H.U. HAS BEEN TURN OFF FOR OVER (15) DAYS AND I'M ONLY ABLE TO GET (2) BOOKS A WEEK IN WHICH IS ONLY (2) CASES FOR ME TO READ PREPARING MY CASE. BUT MY REQUEST HAS FALLEN ON DEAF EARS. AND HE HAS NOT RESPONDED BUT HAS GIVEN SOME IMPRESSION THAT HIS OFFICERS ARE TO MAKE THINGS DIFFICULT FOR ME WHILE I'M IN R.H.U. EVEN THOUGH I HAVE NO CHARGES, AND NOT UNDER ANY INVESTIGATION BUT WANTS ME TO LIVE IN A "GANG INVESTIGATIONS DORM F-27" OR HOLD ME IN LOCK UP AND NOT BE ABLE TO FIGHT MY CASE. IT'S "60" YEARS OLD. (R.H.U. = RESTRICTED HOUSING UNIT)

8.) I AM SUFFERING IRREPARABLE HARM IN THE FORM OF CONTINUED PHYSICAL AND MENTAL PAIN AND SUFFERING AND AN INCREASING RISK THAT I WILL LOSE MY CHALLENGE OF THE TRANSCRIPT AND MY APPEAL DUE TO THE FACT THAT I'M BEING DENIED ACCESS TO THE COURT AND OTHER FORMS OF LEGAL ASSISTANCE THAT ARE NEEDED TO GIVE PRISONERS A REASONABLE ADEQUATE OPPORTUNITY TO PRESENT CLAIMED VIOLATIONS OF FUNDAMENTAL CONSTITUTIONAL RIGHTS TO THE COURTS.

9.) THE RESPONDENT AND IT'S AGENTS, WARDEN LEROY CARTLEDGE, ASSOCIATE WARDEN ALLISON GLIDENELL, LT. TERRY, LT. TUTT, AND CPL. P. MORTON, ETC. PL. ARE RESPONSIBLE FOR THE WELFARE OF THE PETITIONER ABOVE AND HAVE AUTHORITY, DIRECT OR INDIRECT TO CORRECT THE 1ST, 6TH, & 14TH AMENDMENT, U.S.C.A. VIOLATIONS OF DENYING HIM ACCESS TO THE COURTS AND OTHER FORMS OF ASSISTANCE.

10.) FOR THE REASONS SET FORTH IN THE MEMORANDUM OF LAW FILED WITH THIS MOTION, THE PETITIONER IS ENTITLED TO A TEMPORARY RESTRAINING ORDER REQUIRING THE RESPONDENT AND IT'S AGENTS TO ASSIST AND PLAN AN ALTERNATIVE

PROGRAM THAT WILL BE PRODUCTIVE RATHER THAN COUNTER PRODUCTIVE IN ABIDING BY FEDERAL AND STATE LAW TO ENSURE THE PETITIONER WILL BE ABLE TO USE THE LAW LIBRARY COMPUTERS, HAVE ACCESS TO AN UN-LIMITED NUMBER OF LAW BOOKS WITHIN A WEEK'S TIME AND TO HAVE A SUBSTITUTE PERSON OR SOMEONE ON STAND BY TO MAKE COPIES OF LAW BOOKS ON AN EMERGENCY BASIS TO ENSURE A CASE IS NOT LOST DUE TO THE FACT THERE IS NO ONE IN POSITION TO RECOMMENDATE THE INMATE WITH ACCESS TO THE COURT.

11.) FOR THE FOREGOING REASONS, THE COURT SHOULD GRANT THE PETITIONERS MOTION IN ALL RESPECTS.

PURSUANT TO 28 U.S.C. 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

~~/s/ Billy Herbert Rose~~
FOR BY JOE BAETON, #162629
McCormick Corr Inst.
386 Redemption Way
McCormick, SC 29899

MAILED ON 28 DAY OF DECEMBER, 2016

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S.C. SUPREME COURT

MAIL ROOM

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR A T.R.O. & PRELIMINARY INJUNCTION.

STATEMENT OF THE CASE

THIS ACTION IS BROUGHT BY A STATE PRISONER IN THE SOUTH CAROLINA DEPT. OF CORRECTIONS WHO IS BEING DENIED ACCESS TO THE COURTS AND VIOLATING HIS FIRST, SIXTH, AND FOURTEENTH AMENDMENT RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES.

THE PETITIONER SEEKS A RESTRAINING ORDER OR TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION TO ENSURE THAT HE RECEIVES ADEQUATE OPPORTUNITY TO PRESENT HIS APPELLATE CASE TO THE COURTS AND HE RECEIVES HIS FUNDAMENTAL RIGHTS TO THE COURTS,

STATEMENT OF FACTS

THE PETITIONER IS CURRENTLY IN RESTRICTED HOUSING UNIT WITH NO CHARGES SINCE OCTOBER 26, 2016. SINCE BEING HERE HE HAS BEEN DENIED OPPORTUNITY TO USE THE LAW LIBRARY COMPUTER REGULARLY, ONLY ALLOWED TO USE IT ONCE IN SIXTY (60) DAYS. HIS REQUESTS FOR BOOKS (LAW BOOKS) HAS GONE UNANSWERED OR ANSWERED WHEN THEY WANT TO ANSWER WITH WHAT EVER THEY DECIDE TO SEND AND SOMETIMES SEND TWO (2) BOOKS A WEEK AND OTHER TIMES SENDS NOTHING. I'M NOT ABLE TO GET LEGAL COPIES AS NEEDED DUE TO THE FACT THE ONE AND ONLY OFFICER CPL. MORTON IS NOT ALWAYS WORKING THE LAW LIBRARY BUT WORKS OTHER STATIONS. McCORMICK ADMINISTRATOR OVER PROGRAMS DOES NOT SEE FIT TO HAVE A TRAINED RELIEF OFFICER FOR THIS JOB, THEREFORE I MUST LOSE OUT GETTING COPIES ON TIME. I WAS AND STILL HAVE NOT SENT EVIDENCE TO "JUDGE DANIEL P. HALL" BECAUSE I HAVE NOT BEEN ABLE TO GET COPIES SINCE COMING FROM THE DEC 15, 2016 HEARING. I HAVE THREE (3) RETURN TO SENDER ENVELOPES ADDRESSED TO "CHERYL A. SMITH" COURT

REPORTER WITH HER NAME CLEARLY WRITTEN ON THEM BUT SHE STATED THEY WERE NOT ADDRESSED TO HER. HER TESTIMONY IS FALSE AND HER LETTER STATES THE SAME THING BUT I NOT ABLE TO GET THESE COPIED DUE TO BEING DENIED ACCESS TO THE COURT. LT. TUTT AND LT. TERRI BOTH SAY IT NOT THEIR CONCERN TO DO ANY COPYING OR TO BRING LAW BOOKS TO R.H.U. ASSOC. WARDEN GUIDEWELL AND WARDEN LEROY CARTLEDGE HAS REFUSED TO INSTRUCT THESE OFFICERS OF THEIR DUTIES CONCERN OBSTRUCTING OR DENYING AN INMATE ACCESS TO THE COURT TO WHICH IVE COMPLAINED TO BOTH ABOUT THIS VERY ISSUE.

THE WARDEN AND ASSOCIATE WARDEN ARE RESPONSIBLE FOR THE ACTIONS OF THESE OFFICERS WHEN THE PROBLEM HAVE BEEN BROUGHT TO THEIR ATTENTION AND THE PETITIONER HAVE DONE THAT ON SEVERAL OCCASSIONS.

ARGUMENT POINT I
THE PETITIONER IS ENTITLED TO A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION.

A.) THE PETITIONER IS THREATENED WITH IRREPARABLE HARM

THE PETITIONER ALLEGES THAT HE HAS BEEN DENIED ACCESS TO THE COURTS CONTRARY TO THE EQUAL PROTECTION AS GUARANTEED BY THE FIRST (1ST) AND THE FOURTEENTH AMENDMENTS OF U.S.C.A. See: "BOUNDS V. SMITH", 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed. 72 (1977)

AS A MATTER OF LAW, THE CONTINUING DEPRIVATION OF CONSTITUTIONAL RIGHTS CONSTITUTE IRREPARABLE HARM. "ELROD V. BURNS", 427 U.S. 347, 96 S.Ct. 2673 (1976). THIS PRINCIPLE HAS BEEN APPLIED IN PRISON LITIGATION GENERALLY SEE: "NEWSON V. NORRIS", 88 F.2d. 371, 378 (6th Cir. 1989)

IN ADDITION THE PETITIONER IS THREATENED WITH IRREPARABLE HARM BECAUSE OF THE EVIDENCE THAT HE WAS NOT ABLE TO SUBMIT TO "JUDGE DANIEL D. HALL" WHICH IS THE CRUX OF HIS EVIDENCE TO SUPPORT THE COURT REPORTER TESTIMONY IS NOT CREDIBLE AND THE FAR SEEN FUTURE CONCERNING DOCUMENTS TO BE COPIED AND PRESERVING OF MEMORY STAYING CASE LAW ON HIS APPEAL CASE.

B.) THE BALANCE OF HARDSHIPS FAVORS THE PETITIONER

IN DECIDING WHETHER TO GRANT TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION COURTS, ASK WHETHER THE SUFFERING OF THE MOVING PARTY, IF THE MOTION IS DENIED WILL OUTWEIGH THE SUFFERING OF NON-MOVING PARTY IF THE MOTION IS GRANTED. See: e.g., "MITCHELL V. CUMMIS" 748 F.2d 804, 808 (2nd Cir. 1984) (HOLDING THAT DANGERS POSED BY PRISON CROWDING OUTWEIGHED STATE'S FINANCIAL AND ADMINISTRATIVE CONCERNS.) AND "DURAN V. ANATA," 642 F. SUPP. 510, 527 (D.N.M. 1986) (HOLDING THAT PRISONERS INTEREST IN SAFETY AND MEDICAL CARE OUTWEIGHED STATES INTEREST IN SAVING MONEY BY CUTTING STAFF.)

IN THIS CASE, THE PRESENT SUFFERING OF THE PETITIONER IS HE IS BEING DENIED HIS CONSTITUTIONAL RIGHTS OF THE FIRST (1ST), SIXTH (6TH) AND THE FOURTEENTH (14TH) AMENDMENT OF U.S.C.A., See: "JOHNSON V. MERYL," 393 U.S. 483 89 S.Ct. 747, 21 L.Ed.2d. 718 (1969) OF ACCESS TO THE COURTS, THIS NOT ONLY HIS POTENTIAL TO PERPETRATE AN ADEQUATE DEFENSE TO THE CHALLENGE OF THE TRANSCRIPT IN THE P.C.R. COURT BUT ALSO TOWARD THE FUTURE DEFENSE IN THE APPELLATE COURT.

C.) THE PETITIONER IS LIKELY TO SUCCEED ON THE MERITS.

THE PETITIONER HAS A GREAT LIKELIHOOD OF SUCCESS ON THE MERITS, WHAT RESPONDENT HAVE DONE . . . "INTENTIONALLY INTERFERING WITH ACCESS TO THE COURTS . . . WAS SPECIFICALLY SINGLED OUT BY SUPREME COURT AS AN EXAMPLE OF DENIAL OF ACCESS TO THE COURTS. See: "LONGER V. GILMORE" 404 U.S. 15, 92 S.Ct. 250, 30 L.Ed.2d. 142 (1971) AND, "WOLFE V. McDONNELL" 418 U.S. 577, 9 S.Ct. 2786. (418 U.S. 579, 94 S.Ct. 2986)

D.) THE RELIEF SOUGHT WILL SERVE THE PUBLIC INTEREST

IN THIS CASE, THE GRANT OF RELIEF WILL SERVE THE PUBLIC INTEREST BECAUSE IT IS ALWAYS IN THE PUBLIC INTEREST FOR PRISON OFFICIALS OBEY THE LAW. See: "DURAN V. ANATA," 642 F. SUPP. 510, 527 (D.N.M. 1986)

(RESPECT FOR THE LAW, PARTICULARLY BY OFFICIALS RESPONSIBLE FOR THE ADMINISTRATION OF THE STATE'S CORRECTIONAL SYSTEM, IS IN ITSELF A MATTER OF THE HIGHEST PUBLIC INTEREST.) See, ALSO "L. LEWELYN V. OAKLAND COUNTY PROSECUTOR'S OFFICE", 402 F. SUPP. 1379 (E.D. MICH. 1975) (THE CONSTITUTION IS THE ULTIMATE EXPRESSION OF THE PUBLIC INTEREST.)

POINT II.

THE PETITIONER SHOULD NOT BE REQUIRED TO POST SECURITY

USUALLY A LITIGANT WHO OBTAINS INTERIM INJUNCTIVE RELIEF IS ASKED TO POST SECURITY RULE 65(C), FED. R. CIV. P. HOWEVER THE PETITIONER IS AN INDIGENT PRISONER AND IS UNABLE TO POST SECURITY. THE COURT HAS DISCRETION TO EXCISE AN IMPROVERISHED LITIGANT FROM POSTING SECURITY See: "ORANTES-HERNANDEZ V. SMITH", 541 F. SUPP. 351 385 n. 30 (C.D. CAL. 1982) ALSO: "J.L. V. PARHAM", 412 F. SUPP. 112, 140 (D. GA. 1976) (REV.'D. ON OTHER GROUNDS 442 U.S. 584, 99 S. CT 2493 (1979) IN VIEW OF THE SERIOUS DANGER CONFRONTING THE PETITIONER, THE COURT SHOULD GRANT THE RELIEF REQUESTED WITHOUT REQUIRING THE POSTING OF SECURITY.

CONCLUSION

FOR THE FOREGOING REASONS, THE COURT SHOULD GRANT THE MOTION IN ITS ENTIRETY.

RESPECTFULLY SUBMITTED,

[Signature]
PUBBY J. BARTON #163627
McCORMICK CAR. INST.
386 RECEPTION WAY
McCORMICK, SC 29899

RECEIVED

JAN 4 2017

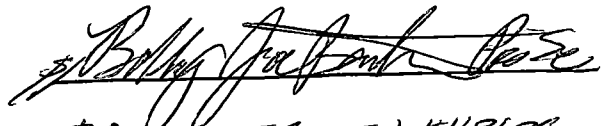
S.C. SUPREME COURT

AFFIDAVIT-OF-SERVICE

CIV. CASE NO: 2014-CP-23-5047

APP. CASE NO: 2016-008995

THE HEREBY UNDERSIGNED STATES UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED 'MOTION OF EMERGENCY INJUNCTION AND A TEMPORARY RESTRAINING ORDER' UPON DANIEL E. SHEARISE, JF S.C. SUPREME COURT, CLERK OF COURT, P.O. BOX 11330, COL., SC 29211 WITH THIS TWO (2) PAGE DOCUMENT AND BY HAND DELIVERING IT TO MCCORMICK'S MAIL ROOM PERSONAL TO BE MAILED ON THE 28th DAY DECEMBER, 2016



BOBBY JOE BARTON, #163629

MCCORMICK CORR. INST.

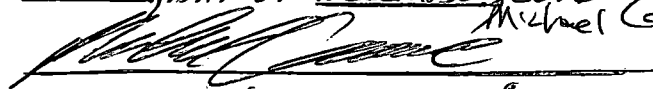
386 REDEMPTION WAY

MCCORMICK, SC 29899

SWORN AND SUBSCRIBED TO ME ON THIS

28th DAY OF DECEMBER, 2016

Michael Calware



NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES JULY 09, 2026

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JAN 4 2017

S.C. SUPREME COURT

11/11/16
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