

State of South Carolina
Court of Appeals

James D. Blakely, Plaintiff,
vs.

South Carolina Dept. of Corr., .. Defendants.

Appellate Case No.
2016-002418

Plaintiff hereby response to the
Clerk of Court.

Plaintiff is an indigent inmate
appealing as a matter of right under
Johnson v. Avery, 393 U.S. 483, 485
(1969).

It is clear that prisoners'
right of access to courts may
not be denied or obstructed.

Under the PLRA 28 U.S.C. §
1915 (b)(4) it is clearly stated:

"(4) In no event shall a pri-
soner be prohibited from
bringing a civil action or
appealing a civil or crim-
inal judgment for the reason
that the prisoner has no
assets and no means by
which to pay the initial

(i)

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partial filing fee."

Furthermore, if the Complaint or any of its claims fails the jurisdiction or no basis test, then the Court must deny in forma pauperis status as to the offending petition or claim. This should have been done in the beginning of this case. In forma pauperis apply through the entire legal process of this case.

Plaintiff will argue that the Court has received the trial's transcript from the defendant and proof of service was well established when defendant responded to appeal.

Plus, the South Carolina Dept. of Corrections refuses to make copies of plaintiff's hand written legal documents. And SCDC is a state facility.

Plaintiff have legally complied with the filing of this appeal as a matter of law.

Respectfully Submitted

01/10/17
C: ygb
cmr

2016-002418

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Mrs. James B. Blakely #255623
Broad River Corp. trust.
4460 Broad River Rd.
Columbia, S.C. 29210

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Proof of Service

I, James B. Blakely, have served a copy of plaintiff's response to Clerk of Court upon all parties at the below address:

Mrs. Caleb M. Riser, Esq.
P.O. Drawer 7788
Columbia, S.C. 29202

Postal service prepaid by plaintiff and mailed through the United States Postal Service, First Class Mail.

Sworn before me this
10 day of January
2017

/s/ James B Blakely
James B. Blakely #255623
Broad River Corp. trust.
4460 Broad River Rd.
Columbia, S.C. 29210
Pro se

Notary Public For State of
South Carolina
9/16/2022

My Commission Expires:

(3)

Mr. James H. Blakely #255623
Broad River Corr. Inst. WA-134
4460 Broad River Rd.
Columbia, S.C. 29210

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The Honorable Jenny Abbott Kitchens
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

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