

State of South Carolina
in the Supreme Court

1 of 3

James B. Blakely, Petitioner,

vs.

South Carolina Dept. of
Corrections Defendants

Petitioner's Opposition
to Denial of Case No.
2016-002418

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JAN 23 2017

SC Court of Appeals

Petitioner is an indigent inmate who was appealing his case as a matter of law and 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)(7) it is clearly stated:

"(4) and no event shall a prisoner be prohibited

(1)

from bringing a Civil action
or appealing a Civil or
Criminal judgment for the
reason that the prisoner
has no assets and no
means by which to pay
the initial partial filing
fee."

Furthermore, if the Complaint
or any of its Claims fails the
jurisdiction or basis test,
then the Court must deny in
forma pauperis status as to
the offending petition or Claims.
This should have been done
in the beginning of this case.
In forma pauperis apply
through the entire legal pro-
cess of this case.

Please, petitioner will
argues that the Court have received
the trial's transcript from defend-
ants and proof of service was
well established. When defendants
responded to this appeal. (See

Exhibit A and B).

Plus, the South Carolina Dept. of Corrections refused to make copies of petitioner's hand written legal documents, and SCDC is a state agency.

Petitioner have legally complied with the filing of this appeal as a matter of law. Petitioner should be granted leave to appeal.

Dated: 04/17/2017

ljjg
jak
jkg

RS/ James B. Blakely
James B. Blakely #255623
Broad River Court
4460 Broad River Rd.
Columbia, S.C. 29210
Pro se

Sworn before me this 17
day of January, 2017.

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

My Commission Expires: