

February 06, 2017.

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, S.C. 29211

RECEIVED

FEB 10 2017

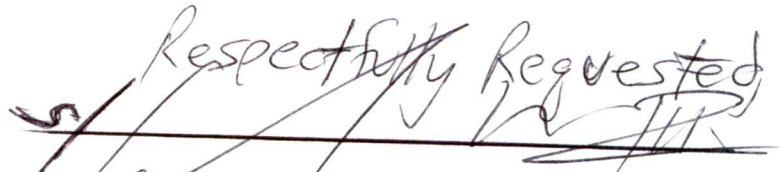
Re: RULE 266 SCACR. MOTION; George Cleveland, III
v. GREENVILLE COUNTY SHERIFF'S OFFICE FILING

S.C. SUPREME COURT

1. DEAR MR. SHEAROUSE,

CAN you please file the Attached Rule 266
SCACR. motion, supporting Apperdx, AND proof of service
AND place on this court's docket for consideration
by this court?

2. CAN you Also please kindly stamp the extra
copies, AND MAIL back to me in the SASE?

Respectfully Requested


CC: FILE
CHARLES F. TURNER, JR., ESQUIRE
ANNE R. CULBREATH, ESQUIRE

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

LEGAL MAIL

App 19

The South Carolina Court of Appeals

George Cleveland #357770, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-001033

ORDER RECALLING REMITTITUR

This Court's remittitur was sent to the Clerk of the Administrative Law Court on October 18, 2016. It is now necessary for this Court to recall the remittitur. The Clerk of the Administrative Law Court is, directed to return the remittitur to the Clerk of the South Carolina Court of Appeals within ten (10) days from the date of this order.


FOR THE COURT, J.

Columbia, South Carolina

cc:

George Cleveland #357770

Christina Catoe Bigelow, Esquire

FILED

November 4, 2016

George Cleveland III, certifies that on the date below, properly addressed, and with proper United States postage, served on the respondents attorneys of record the following legal documents:
PETITIONER'S RULE 266 motion.

PROOF OF SERVICE

George Cleveland III, Petitioner
Greenville County Sheriff's Office, Respondent

APPELLATE CASE No. 2016-000498

LOWER COURT CASE No. 2014-cv-23-05661

JAMES R. BARBER III, CIRCUIT COURT JUDGE

COURT OF COMMON PLEAS

APPEAL FROM GREENVILLE COUNTY

IN THE SUPREME COURT
S.C. SUPREME COURT

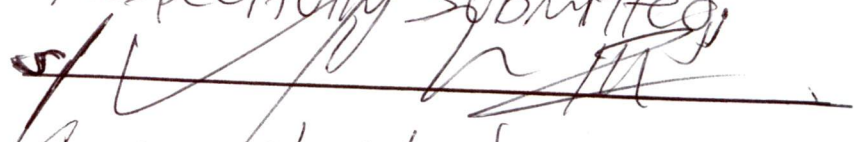
THE STATE OF SOUTH CAROLINA

RECEIVED
FEB 10 2017

PETITIONER'S PROOF OF SERVICE

SUPPORTING APPENDIX, AND PROOF OF SERVICE TO
THE FOLLOWING LOCATION:

WILSON JONES CARTER + BAXLEY, P.A.
ANNE ROSS CULBREATH, ESQUIRE
CHARLES FRANKLIN TURNER, JR., ESQUIRE
872 S. PLEASANTBURG DRIVE
GREENVILLE, S.C. 29607
ATTORNEYS FOR THE RESPONDENT

Respectfully submitted,


George Cleveland, III #357770
TYGER RIVER CORRECTIONAL INST.,
200 PRISON ROAD
ENOREE, S.C. 29335

DATED: FEBRUARY 06, 2017

CC: FILE

RECEIVED
FEB 10 2017
S.C. SUPREME COURT

PETITIONER'S RULE 266 S.C.A.C.R.
SUBSEQUENT APPLICATION FOR RELIEF

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

JAMES R. BARBER, III, JUDGE

LOWER COURT CASE NO. 2014-CF-23-05661

APPELLATE CASE NO. 2016-000498

GEORGE CLEVELAND III, PETITIONER

GREENVILLE COUNTY SHERIFFS
OFFICE,

RESPONDENT.

WILSON JONES CARTER + BAXLEY, P.A.
HANE ROSS CULBREATH ESQUIRE

CHARLES FRANKLIN TURNER, JR. ESQUIRE

872 S. PLEASANTBURG DRIVE
GREENVILLE, S.C. 29607

ATTORNEYS FOR THE RESPONDENT

GEORGE CLEVELAND III
TYGER RIVER CORRECTIONAL
200 PRISON ROAD
ENOKE, S.C. 29335
PROSE PETITIONER

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APPELLATE CASE NO.

2016-000498

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2016-000498

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CASES

BURNS v. STATE OF OHIO 360 U.S. 252, 79
S.Ct. 1164 (1959) 10-12

DANIELS v. MASSER 12, S.C. 130 WL 4939
(1879) 10-11

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(ARIZ) (1996) 6-7

COURT RULES

RULE 266 S.C.A.C.R. 1, 3, 7

RULE 242 S.C.A.C.R. 3

RULE 22(A) S.C.A.C.R. 5, 7, 9-13

RULE 215 S.C.A.C.R. 4, 7-10

RULE 204(A) S.C.A.C.R. 5, 7

RULE 82(B) S.C.R.C.P. 6-7

RULE 266 S.C.A.C.R. SUBSEQUENT
APPLICATION FOR RELIEF

MY IT PLEASE THE COURT, GEORGE CLEVELAND,
I PROCEEDING PROSE RESPECTFULLY FILES THIS RULE.
266 S.C.A.C.R. SUBSEQUENT APPLICATION FOR RELIEF,
ON THE FOLLOWING GROUNDS:

ON NOVEMBER 04, 2016, THE SOUTH CAROLINA COURT
OF APPEALS RECALLED THE REMITTAL IN;
George Cleveland ~~35770~~ v. S.C.A.C.R. APPELLATE
CASE NO. 2016-001033 BECAUSE OF ERRORS BY THAT
COURT, AND SIMILAR CHARACTERS WERE USED IN
THIS CASE;

THE CLERK OF THIS COURT; MR. DANIEL E. STEARNS
AND/OR OTHER EMPLOYEES WITHIN THE BUILDING OF THE
S.C. SUPREME COURT EXPLOITED FLAWS IN THE
COURT'S SOFTWARE TO FRAUDULENTLY ELECTRONICALLY
LEGAL MAIL.

Signed the justices' NAMES to my certiorari
Petition for Rehearing Petition, 1 and
several of the S.C. Appellate Court Rules barred
this court from sending the Remittitur to the
S.C. COURT OF APPEALS.

2.
BRIEF RELEVANT-CASE-BACKGROUND:

ON September 07, 2016, this court denied
my Petition for Rehearing, R.P. 1! ON November
04, 2016, the S.C. COURT OF APPEALS ORDERED
the Remittitur recalled in the case George
Cleveland ~~III~~ #357770 v. S.C.D.C.'s Appellate case no.
2016-001033, R.P. 2.

ON November 10, 2016, the A.L.C. returned the
Remittitur to the S.C. COURT OF APPEALS, R.P. 3.

1. The underlining case dealt with multiple TORT claims
filed in the Greenville County court of common
PLEAS, R.P. 1.

2.

3.

"When Any Judge of Any of the courts of this state has declined to grant any order, in any case, and order, of a similar character is made to Appellate court or.

PART:

266 S.C.A.C.R. states the following relevant subsequent Application for Relief under Rule

LEGAL-STANDING/ANALYSIS:

3.

follows.

10/2016 R.P. ~~11~~ This Rule 266 S.C.A.C.R. Application to Recall the Remittor on or Around October Rule 242 S.C.A.C.R.-R.P. 4. After my motion petition for a writ of certiorari in violation of motion for an Extension of time to file my of the S.C. court of Appeals returned my recalled seat with deputy clerk v. Claire Allen the principal reason, the Remittor was

Any member thereof, it shall be incumbent upon the party . . . to show in the Application the former refusal and the judge . . . or justice who refused the same"

ON September 07, 2016, the Rehearing Petition from this court that was denied is at issue here. because MR. Shearouse failed to put this case - (Appellate case no. 2016-000498) on the court's docket for the case to be submitted to the justices for consideration in violation of Rule 215 S.C.A.C.R.:

"Unless otherwise ordered by the Appellate court, all appeals in civil cases which do not involve a constitutional question and in which the amount involved is \$1,000.00 or less, shall be submitted to the Appellate court without

ORAL Argument: , , "

And MR. Shearouse failed to Allow the Appellate - court to determine my petition for Rehearing in violation of Rule 221(A) S.C.A.C.R.!

"A petition for Rehearing shall . . . state with PARTICULARITY the points supposed to have been overlooked or misapprehended by the court."

on the other hand, Deputy clerk V. Claire Allen of the S.C. COURT OF APPEALS WAS BARRED FROM RETURNING MY LEGAL DOCUMENTS, but instead, required to transfer that case. (Appellate case no. 2016-001033) to this court under Rule 204(A) S.C.A.C.R.:

"IN the event that the [motion] is filed in

which the matter is filed shall issue an order transferring the case to the appropriate court," AND UNDER RULE 82(B) S.C.R.C.P.:

"When an action is brought in the wrong . . . court, the court shall not dismiss the action, but shall transfer it to any proper . . . court . . ." These rule violations by Ms. Allen, I argued in my October 10, 2016 motion to recall the remittitur in *Capella* case 2016-001033) R.p.p. 8-11. The rule violation by Mr. Shearouse, AND Ms. Allen denied me access to this court to review my appeal in violation of *Lewis v. Casey* 518 U.S. 343, 116 S.Ct. 2174 (ARIZ) (1996), *id.* at 2178-81², AND in violation of Rule

2. WHEREAS, the U.S. Supreme Court reasoned an prerequisite of "ACTUAL INJURY" in order to seek judicial review.

266 S.C.A.C.R. which requires this court to review subsequent applications for relief when a similar case is presented to this court with "similar character[s]" between this case (Appellate case No. 2016-000498) and Appellate case No. 2016-001033 are both cases that dealt with employees of the S.C. Appellate Courts (Supreme Court, and Court of Appeals) violating Rule (5) of the S.C.A.C.R.; Mr. Shearouse Rule 215 and 221(A) S.C.A.C.R., and Ms. Allen Rule 204(A) S.C.A.C.R., and Rule 82(B) S.C.R.C.R.; accordingly, I have standing to an decision by the justices of this court to decide this Rule 266 S.C.A.C.R. subsequent application for relief respectively.

8.

IN PURSUANT TO THE ROSTER OF CASES FOR HEARINGS IN SEPTEMBER OF 2016, THERE WERE 9 CASES THAT WERE DECIDED; HOWEVER, MY CASE (APPELLATE

ORAL ARGUMENTS) BE SUBMITTED TO THE APPELLATE COURT WITHOUT COURT. ALL APPEALS IN CIVIL CASES, I SHALL UNLESS OTHERWISE ORDERED BY THE APPELLATE COURT.

MR. SHEAROUSE FAILED TO PUT MY CASE ON THIS COURT'S DOCKET FOR REVIEW BY THE JUSTICES OF THIS COURT WHICH IS REQUIRED TO DO SO IN ORDER FOR THIS CASE TO BE SUBMITTED TO THIS COURT.

MR. SHEAROUSE FAILED TO PUT MY CASE ON THIS COURT'S DOCKET FOR REVIEW BY THE JUSTICES OF THIS COURT.

ARGUMENT
4

Case No. 2016 00498) was not on the court's
Docket. R. p. 15-17.

Despite the prerequisite under Rule 215

S.C.A.C.R. is required in order for the

Justices of this court to decide my case.

IBID. Mr. Shearouse was required to put this

case in on the docket but instead, he exploited

flaws in this court's software by forging

the signatures of the Justices of this court;

therefore Mr. Shearouse violated Rule 215

S.C.A.C.R. ~~as~~ SUBMISSION WITHOUT ORAL ARGUMENT.

5
RULE 221(A) S.C.A.C.R. REQUIRED

THE JUSTICES OF THIS COURT

TO DETERMINE IF THERE WERE

LEGAL MATTERS OVERLOOKED,

~~NOT MR. SHEAROUSE;~~

RULE 221(A) S.C.A.C.R. REQUIRED MR. SHEAROUSE TO
SUBMIT MY REHEARING PETITION PURSUANT TO RULE
9

215 S.C.A.C.R. to this court, not MR. SHEAROUSE ruling on the Rehearing Petition which shall state with PARTICULARITY the points supposed by the court. "Rule 221(A) S.C.A.C.R. MR. SHEAROUSE, AND All other employees of the clerk of this court ~~ARE~~ NOT PART OF "the court" because his "duty of the clerk [of the S.C. Supreme Court]... in the absence of instructions from the court to the contrary to accept for filing any paper presented to him!" BURNS v. STATE OF Ohio 360 U.S. 252, 79 S.Ct. 1164 (1959), id. At 256, At 1168 (hereinafter BURNS), see also DANIELS v. Mosse 12 S.C. 130, 1879 WL 4939 (1879), id. At 133-35. MR. SHEAROUSE lacks the legal

Authority under BURNS to determine what legal "points supposed to have been overlooked or misapprehended by the court." Rule 22(A) S.C.A.C.R. IBID.

BURNS distinguishes the word: "COURT" from the word: "clerk" by reasoning: "in the absence of instructions from the court to the contrary," i.e. the court, by holding: "the clerk of court powers and duties come "from the court" which in this particular case, rule 22(A) S.C.R.C.R. required me to argue overlooked legal principles to the COURT. Nothing in the language of Rule 22(A) S.C.A.C.R. gives M.R. Shearouse or any other employee of HIS office Authority to

decide the September 03 2016 (R.P. 1)
Rehearing Petition, but Rule 221(A) S.C.A.C.R.
required MR. Shearouse to simply file my
Petition for a Rehearing, and supporting
documents which BURNS requires only
that MR. Shearouse. "Accept for filing
[my Rehearing ~~that was~~] presented to him,"
see BURNS, At 256, At 1168; therefore, MR.
Shearouse. Failed to submit my Rehearing
Petition to the Justices under Rule 215
S.C.A.C.R. so the "court," i.e., the Justices,
so my Rehearing Petition can be reviewed,
and decided by this court: LEGAL PRINCIPALS
overlooked pursuant to Rule 221(A) S.C.A.C.R.;
consequently, MR. Shearouse was required
to Docket my case, and forward to the.

12.

COURT UNDER RULE 221(A) S.C.A.C.R. FOR LEGAL
ADJUDICATION

6.
CONCLUSION:

MR. SHEAROUSE WAS BARRED FROM DECIDING MY
REHEARING PETITION, BUT INSTEAD HE WAS ONLY
REQUIRED TO FILE REHEARING PETITION, AND ALL ATTACHED
DOCUMENTS ATTACHED THERETO, THE SEPTEMBER 07,
2016 ROSTER OF CASES SHOWS THE EVIDENCE THAT
HE DID NOT PUT MY REHEARING PETITION ON THE
DOCKET AS THE ROSTER OF CASES DID NOT
BEAR MY CASE NAME, R.P.P. 15-17.

IN *Luis v. United States* No. 14-419, THE U.S.
SUPREME COURT DOCKET REPORT SHOWS, THE DATE AND THE
SPECIFIC NAME OF THE PLEADING/PROCEEDINGS,
E.G.:

“OCT 22, 2014 DISTRIBUTED, FOR CONFERENCE
OF NOVEMBER 7, 2014.” Rep. B.
13.

"Aug 25, 2015 BRIEF Amicus Curiae of
AMERICANS FOR FORFEITURE REFORM file",
R. p.p. 18-19.

"Oct 27, 2015 Reply of petitioner Sila Luis
filed (Distributed)". IBID.

Based on the foregoing facts, supporting
authorities and legal authorities herein,
I respectfully request the following
relief:

6-1. **WHEREFORE, GRANT THIS RULE 266 S.C.A.C.R.**
Application;

6-2. **ORDER** THE REMITTITUR RECALLED FROM THIS
COURT. R.p. 2.

6-3. **ORDER** THE CLERK'S OFFICE TO PLACE THIS
CASE ON THIS COURT'S DOCKET FOR PROPER

Adjudication respectively,

6-4. Any other relief this court deems just,
proper, AND/OR IMPARTIAL.

Respectfully submitted
~~WJR~~
George Cleveland
TIGER RIVER CORRECTIONAL INST
200 PRISON
ENDREES, C 29335

DATED: FEBRUARY 03, 2017

15,

PETITIONER'S APPENDIX IN SUPPORT
OF RULE 266 S.C.A.G.R. APPLICATION

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
JAMES R. BARBER, III; CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-05661

APPELLATE CASE NO. 2016-000498

GEORGE CLEVELAND, III, PETITIONER,

v.
GREENVILLE COUNTY SHERIFF'S
OFFICE RESPONDENT.

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CLAIRE ALLEN OF THE S.C. COURT OF
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MOTION TO RECALL REMITTITUR. IN APPELLATE
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ROSTER. OF CASES OF SEPTEMBER OF 2016
FOR THE S.C. SUPREME COURT 15-17

U.S. SUPREME COURT DOCKET REPORT FOR THE
CASE OF: LUIS V. UNITED STATES; NO. 14-419
. 18-22

RP.1

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

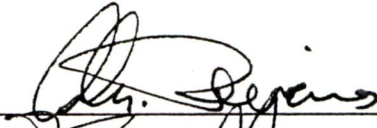
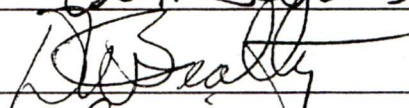
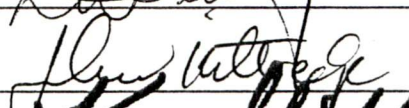

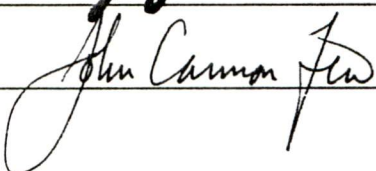
v.

Greenville County Sherriff's Office, Respondent.

Appellate Case No. 2016-000498

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

September 7, 2016

cc:

Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire
The Honorable Paul B. Wickensimer
George Cleveland, III, #357770

Rip. 2 ~~App 19~~

The South Carolina Court of Appeals

George Cleveland #357770, Appellant,

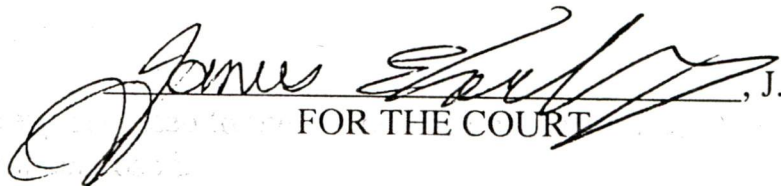
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-001033

ORDER RECALLING REMITTITUR

This Court's remittitur was sent to the Clerk of the Administrative Law Court on October 18, 2016. It is now necessary for this Court to recall the remittitur. The Clerk of the Administrative Law Court is, directed to return the remittitur to the Clerk of the South Carolina Court of Appeals within ten (10) days from the date of this order.


FOR THE COURT, J.

Columbia, South Carolina

cc:

George Cleveland #357770

Christina Catoe Bigelow, Esquire

FILED

November 4, 2016

STATE OF SOUTH CAROLINA
Administrative Law Court

R.P. 3

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

November 10, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: George Cleveland #357770 v. SCDOC
ALC Docket No. 16-ALJ-04-0030-AP
Appellate Case No. 2016-001033

Dear Clerk Kitchings:

Pursuant to the Court's Order filed November 4, 2016, I am hereby returning the Remittitur in the above-captioned matter.

Please let me know if you have any questions.

With warm personal regards, I am,

Sincerely,

Jana E. Shealy
Jana E. Shealy
Clerk

Enclosure

cc: Christina Catoe Bigelow, Esquire
George Cleveland, #357770



R. page-4

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 19, 2016

George Cleveland #357770
TCI
1578 Clarence Coker Hwy.
Turbeville SC 29162

Re: George Cleveland #357770 v. SCDC (5)
Appellate Case No. 2016-001033

Dear Mr. Cleveland:

We are returning your "motion for an extension to file certiorari petition." Pursuant to Rule 242 of the South Carolina Appellate Court Rules, SCACR, your documents must be filed with the South Carolina Supreme Court.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christina Catoe Bigelow, Esquire
Enclosure

App. 1/5

PETITIONER'S MOTION FOR LEAVE

OF COURT TO RECALL REMITTUR.

THE STATE OF SOUTH CAROLINA.

IN THE SUPREME COURT

APPEAL FROM ADMINISTRATIVE LAW COURT

S. PHILIP LENSKI, ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 16-ALJ-24-0030-AP

APPELLATE CASE NO. 2016-1033

GEORGE CLEVELAND JIII

S.C.D.C. NO. 35770

V.

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

PETITIONER

RESPONDENT

LEGAL MAIL

S.C.D.C.
OFFICE OF GENERAL COUNSEL
210 CHRISTINA CATTE BIGELOW, ENQUIRE
P.O. BOX 21787
COLUMBIA, S.C. 29221-1787
ATTORNEY FOR THE RESPONDENT

GEORGE CLEVELAND JIII
TYGER RIVER CORRECTIONAL INST
200 PRISON ROAD
ENORE, S.C. 29335
PROSE PETITIONER

Filed in the court ~~App 132~~ R.P. 6
S.C. SUPP ^{REVE} PETITIONER'S MOTION TO RECALL REMITTITUR

COMES NOW, George Cleveland, III, proceeding
prose respectfully moves this court to Recall the
REMITTITUR sent to the Administrative Law court
on September 19, 2016. R.P. 1. REMITTITUR sent. This
Request is on the following grounds:

foreclosed by Rule 204 (A) S.C.A.C.R. And Rule
82(b) S.C.R.C.P., and violation of my first (Access
to the courts; Fourteenth (due process Liberty/
Property Interest) Amendments under the constitution
of the United States.

2 RELEVANT-BACKGROUND:

On September 11, 2016, I mailed to the South
CAROLINA COURT OF APPEALS my motion for an Extension
to file petition for A WRIT OF CERTIORARI in the above
case until Sept. 28, 2016. R.P. 2 At PAR. 2,
supporting Affidavit.

LEGAL MAIL

On September 28, 2016, I signed for and received

R.P. 7

motion to Recall/enthire. ~~Appellate~~ filed in the

A letter from Deputy Clerk V. Claire Allen. ^{See supra}

R.P. 4. Letter dated Sept 19, 2016. she stated, my motion ~~was~~ RETURNED, As it was filed in the wrong court. ~~IBID.~~

3. The letter was mailed to the wrong address despite me informing that court (Court of Appeals) of my change of mailing address in late July of 2016. R.P. 3 ~~at~~ ~~para~~ 3 supporting Affidavit. 1.

6. The mailing date of this motion, with the earliest I could mail out because SCJC's computer systems were down at my assigned prison from Sept. 27-Oct 4, 2016 which prevented me from looking up the relevant court rules on the computer in the prison's law library briefly to conduct legal research, and the state of emergency signed by Governor Haley on Oct 05, 2016

Refused the entire prison to be locked down with no movement out side of my assigned dock R.P. 3 At par. 4 supporting Affidavit. The letter reached my former assigned prison on Sept. 20, 2016, which took 8 days to reach me. R.P. 2 At par. 31 supporting Affidavit. Also: R.P. 2 a copy of envelope. 2

LEGAL MAIL

3
Kp-8
Argument(s)
App/34

Motion to Recall

The Remittitur

RULE 204(A) SCAR FORECLOSED

REMITTITUR BEING SENT

the SCARPT

DEPUTY CLERK ALLEN SUPPLY AT PAR 2 FILED
to transfer this case to this courts Required

by Rule 204(A) SCAR.
"IN the event that the [motion] is filed in the

wrong appellate court the Appellate court in
which the matter is filed shall issue an order
transferring the case to the Appropriate court"

Deputy clerk Allen was foreclosed under
Rule 204(A) SCAR. Upon sending the Remittitur
to the Administrative Law court instead, she was
required to: " issue an order transferring

the case to the Appropriate court... therefore
be recalled, and required transfer to this court.
MOTION FOR 3-11 EXTENSION

WAS TIMELY FILED FORECLOSING
REMITTITUR FROM BEING SENT
UNDER RULE 233(A) SCAR.

My motion was timely filed on September 19, 2016, R.P. 2 App. 2, supporting Affidavit. As this was the date that I put the properly addressed envelope in the prison's mail-box this effectively foreclosed Deputy Clerk Allen from sending of the Remittitur with error under Rule 233(A) SCARs; consequently my motion for an extension of time to file Petition for a writ of CERTIORARI was timely filed, and the Remittitur was sent by ERROR.

By depositing the documents in the U.S. mail properly addressed to the clerk... the date of filing shall be the ... date of mailing. "Rule 233(A) SCARs."

Motion to Recall Remittitur, filed in the 5th Cir. R.P. 9
 The Appellate court denied my Petition for Rehearing which was filed on August 19, 2016, R.P. 7, order denying Rehearing. Rule 212 SCARs required my Petition for a writ of CERTIORARI to be filed on or before September 19, 2016. My motion for ~~extra~~ time to file my CERTIORARI Petition on September 19, 2016 by mail.

... court the court shall not dismiss the action but shall transfer it to any proper ... court
 when an action is brought in the wrong
 my case to the South Carolina Supreme Court
 Instead Rule 82(b) SCRC required her to transfer
 Supreme Court" IBID.

documents must be filed with the South Carolina
 to not type-up a letter stating that: my ...
 Rule 82(b) SCRC required Deputy Clerk Allen
 to type-up a letter stating that: my ...

to file certain petition. Your documents must be
 filed with the South Carolina Supreme Court: R.P.
 4.
 We are returning your motion for an extension

19 July letter:
 court by her own Admission in her September
 to send the Remittitur to the Administrative Law
 Deputy Clerk Allen did not have the authority

Remittitur Being Sent:
 from
 RULE 82(b) SCRC FORCLOSED
 3-2. App 136
 Motion to Recall
 App 136
 Remittitur filed in
 the S.C. Supreme Court

motion to Recall Remittitur
filed in the S.C. Supreme Court ~~Appellate~~ R.P. 12
broadly to include the Appellate Court clerk
office-transfer cases filed by inmates in
the wrong court to the correct court to preserve
the status quo, i.e., preserve the time filed in the wrong
court, because access to the courts does not stop
at the feet of prison officials, but at the
feet of the clerk's office, which in this case
is with the South Carolina Court of Appeals,
only then will the inmates' filing be properly
before the court for judicial review.

since Deputy Clerk Allen of the South
Carolina Court of Appeals did not transfer
my case to the Supreme Court of South
Carolina which caused the Remittitur to be
erroneously sent to the Administrative Law Court
which started the enforcement of the judgment
id., in violation of my First (Access to the courts)
and Fourteenth (due process/liberty/property interest)
Amendments under the Constitution of the United
States. Actual Injury is required under Lewis

Allen from sending the Remittitur to the lower court, id; therefore, this court must order the transfer my case to this court, and precluded Mr. Rule 8a(b) 5.01 provided Deputy Clerk Allen to and inadherence because Rule 20(A) 5.01 and Court of South Carolina by mistake, error and in adherence because Rule 20(A) 5.01 and precluded Mr. Allen of the South Carolina Court of Appeals sent the Remittitur on Sept 19, 2016 to the Administrative Court of South Carolina by mistake, error.

I submit to this court, Deputy Clerk N. Clarke Allen of the South Carolina Court of Appeals sent the Remittitur to this court, id; at 551. Inadherence of the court, id; at 551. [to be recalled] sent down by mistake, error. which requires "the Remittitur ... [to be recalled] s.c.d.c. 372 s.c. 173, 642 s.e. 2d. 551, s.c. (2007) s.c.d.c. 372 s.c. 173, 642 s.e. 2d. 551, s.c. (2007)

LEGAL-STANDARD:

4.

motion to recall Remittitur
 v. Casey 518 U.S. 343, 116 S.Ct. 2174 U.S. 13 P.13
 filed in the Supreme Court
 AR13 1996, id; at 2178-81 which I have argued, id; therefore, Deputy Clerk Allen denied me Adequate Access to this court.

DATED: OCTOBER 19, 2016

Respectfully submitted,
~~Geoff Cleaveland, III #3573~~
Tiger River Correctional Inst
and Prison Road
9. Enoree, SC

5-4. Any other relief this court deems just, proper, and
or impractical.
this cases;

(5) days after the filing of this court's order in
petition in this court for this instant case ~~been~~
5-3. set the deadline to file a writ of certiorari
Appeals in Appellate case No. 2016-001033;

in case No. 2016ALJ040030AP to the court of
Columbia J.S.C. 29201 to send to the Remittitur
Law court of South Carolina, 29211 to order the Administrator,
11629 Columbia Court of Appeals, P.O. Box

5-2. ORDER THE SOUTH CAROLINA COURT OF APPEALS;
5-1. GRANT MY MOTION TO RECALL REMITTITUR;

Based on the foregoing facts, I respectfully request
the following relief;

CONCLUSION:

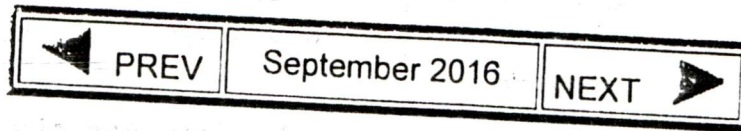
5.

Motion to Recall Remittitur to Recall the Remittitur from
court of Appeals to Recall the Remittitur from
Administrative Law court
Filed in the SC Supreme court
April 14

Supreme Court - Roster of Cases for Hearing

R.P. 15

September 2016



The summary below each case is prepared to offer lawyers and the public a general overview of what issues are included in a case which will be argued. The summary is not a limit on what issues a party to a case may present at oral argument.

Wednesday, September 7, 2016
Supreme Court Courtroom

09:30 a.m.

2015-001278 The State, Petitioner/Respondent, v. Raheem D. King, Respondent/Petitioner.

(Time Limits: 15-15-5)

Attorney General Alan Wilson and Senior Assistant Deputy Attorney General Deborah R.J. Shupe, both of Columbia and Solicitor Scarlett A. Wilson, of Charleston, for Petitioner/Respondent. Chief Appellate Defender Robert M. Dudek, of Columbia, for Respondent/Petitioner.

The Court granted the parties' petitions for a writ of certiorari to review the Court of Appeals' decision in *State v. King*, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015), wherein the Court of Appeals reversed and remanded Raheem D. King's conviction for attempted murder but affirmed his convictions for armed robbery and possession of a firearm during the commission of a violent crime.

10:00 a.m.

2015-001368 James W. Trexler, Petitioner, v. The Associated Press, Barrington Broadcasting South Carolina Corp., Raycom TV Broadcasting, Inc., The Spartanburg Herald Journal, Inc. and the Pacific & Southern Co., Inc., Respondents.

(Time Limits: 10-10-5)

William H. Johnson, of Law Offices of William H. Johnson, LLC, of Manning, W. Westbrook Wills, III, of Folly Beach and Matthew D. Hamrick, of Charleston, for Petitioner. Jay Bender, of Baker, Ravenel & Bender, LLP, of Columbia, for Respondents.

The Court reviews the court of appeals' decision in *Trexler v. The Associated Press*, Op. No. 2015-UP-201 (S.C. Ct. App. filed Apr. 15, 2015).

10:30 a.m.

2015-001582 The State, Respondent, v. Walter M. Bash, Petitioner.

(Time Limits: 15-15-5)

Appellate Defender Susan Barber Hackett, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Mark Reynolds Farthing, both of Columbia and Solicitor Scarlett A. Wilson, of Charleston, for Respondent.

This Court granted Walter M. Bash's petition for certiorari to review the court of appeals' decision in *State v. Bash*, 4132 S.C. 420, 772 S.E.2d 537 (Ct. App. 2015).

Wednesday, September 21, 2016
Supreme Court Courtroom

R.P.H

09:30 a.m.

2015-001350 Henton T. Clemmons, Jr., Employee, Petitioner, v. Lowe's Home Centers, Inc.-Harbison, Employer, and Sedgwick Claims Management Services, Inc., Carrier, Respondents. (Time Limits: 10-10-5)

Preston F. McDaniel, of McDaniel Law Firm, of Columbia, for Petitioner. Kelly Fitzharris Morrow, of McAngus Goudelock & Courie, LLC, of Columbia and Helen Faith Hiser, of McAngus Goudelock & Courie, LLC, of Mount Pleasant, for Respondents.

The Court granted certiorari to review the court of appeals' decision in Clemmons v. Lowe's Home Centers, Inc., 412 S.C. 366, 772 S.E.2d 517 (Ct. App. 2015).

10:00 a.m.

2015-001553 Michael Gonzales, Petitioner, v. State of South Carolina, Respondent. (Time Limits: 10-10-5)

Appellate Defender Susan B. Hackett, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General Alicia A. Olive, both of Columbia, for Respondent.

The Court granted certiorari to review the PCR judge's denial of petitioner's claim for relief.

10:30 a.m.

2016-000917 In the Matter of Margaret D. Fabri, Respondent. (Time Limits: 10-10-5)

Disciplinary Counsel Lesley M. Coggiola and Senior Assistant Disciplinary Counsel Charlie Tex Davis, Jr., both of Columbia, for the Office of Disciplinary Counsel. David Dusty Rhoades, of Charleston, for Respondent.

This is an attorney disciplinary matter.

Cases to be Submitted Without Oral Argument

Willie J. Adams, Petitioner, v. State of South Carolina, Respondent.

Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan Wilson and Senior Assistant Deputy Attorney General Johanna Catalina Valenzuela, both of Columbia, for Respondent.

Michael Milledge, Respondent, v. State of South Carolina, Petitioner.

Attorney General Alan Wilson and Senior Assistant Attorney General Karen Christine Ratigan, both of Columbia, for Petitioner. Appellate Defender Susan Barber Hackett, of Columbia, for Respondent.

Nearim Blackwell-Selim, Petitioner, v. State of South Carolina, Respondent.

Deputy Chief Appellate Defender Woods, U.S.

Respondent

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the Respondent.

Witness my hand and seal this _____ day of _____, 19____.

Notary Public for the State of South Carolina

My commission expires _____

My office is located at _____

My residence is located at _____

My telephone number is _____

My e-mail address is _____

My fax number is _____

My cell phone number is _____

My home address is _____

My business address is _____

My professional address is _____

My professional title is _____

My professional organization is _____

My professional license number is _____

My professional registration number is _____

My professional certification number is _____

My professional membership number is _____

My professional affiliation is _____

My professional association is _____

My professional society is _____

My professional organization is _____

Rep 18

No. 14-419

Title: Sila Luis, Petitioner

v.

United States

Docketed: October 9, 2014

Lower Ct: United States Court of Appeals for the Eleventh Circuit

Case Nos.: (13-13719)

Decision Date: May 1, 2014

Rehearing Denied: July 9, 2014

Questions Presented

~~~~Date~~~~ ~~~~~Proceedings and Orders~~~~~

- Oct 7 2014 Petition for a writ of certiorari filed. (Response due November 10, 2014)
- Oct 16 2014 Waiver of right of respondent United States to respond filed.
- Oct 20 2014 Consent to the filing of amicus curiae briefs, in support of either party or of neither party received from counsel for the petitioner.
- Oct 22 2014 DISTRIBUTED for Conference of November 7, 2014.
- Oct 28 2014 Response Requested . (Due November 28, 2014)
- Nov 18 2014 Order extending time to file response to petition to and including December 29, 2014.
- Nov 26 2014 Brief amici curiae of U.S. Justice Foundation, et al. filed.
- Nov 28 2014 Brief amici curiae of Associations of Criminal Defense Attorneys filed.
- Dec 23 2014 Order further extending time to file response to petition to and including February 27, 2015.
- Feb 18 2015 Order further extending time to file response to petition to and including March 30, 2015.
- Mar 30 2015 Brief of respondent United States in opposition filed.
- Apr 15 2015 DISTRIBUTED for Conference of May 1, 2015.
- Apr 16 2015 Reply of petitioner Sila Luis filed. (Distributed)
- May 1 2015 Rescheduled.
- May 4 2015 DISTRIBUTED for Conference of May 14, 2015.
- May 18 2015 DISTRIBUTED for Conference of May 21, 2015.
- May 26 2015 DISTRIBUTED for Conference of May 28, 2015.
- Jun 1 2015 DISTRIBUTED for Conference of June 4, 2015.
- Jun 8 2015 Petition GRANTED.
- Jun 15 2015 The time to file the joint appendix and petitioner's brief on the merits is extended to and including August 18, 2015.
- Jun 15 2015 The time to file respondent's brief on the merits is extended to and including September 30, 2015.
- Aug 4 2015 Consent to the filing of amicus curiae briefs in support of either party, or of neither party, received from counsel for the petitioner.
- Aug 18 2015 Joint appendix filed. (Statement of costs filed)
- Aug 18 2015 Brief of petitioner Sila Luis filed.
- Aug 25 2015 Brief amici curiae of United States Justice Foundation, et al. filed.
- Aug 25 2015 Brief amici curiae of Cato Institute and the DKT Liberty Project filed.
- Aug 25 2015 Brief amici curiae of Association of Criminal Defense Attorneys, et al. filed.

R.P. 19

- Aug 25 2015 Brief amicus curiae of Americans for Forfeiture Reform filed.
- Aug 25 2015 Brief amicus curiae of New York Council of Defense Lawyers filed.
- Aug 25 2015 Brief amicus curiae of American Bar Association filed.
- Aug 25 2015 Brief amicus curiae of Rutherford Institute filed.
- Sep 9 2015 SET FOR ARGUMENT on Tuesday, November 10, 2015
- Sep 10 2015 Record requested from the U.S.C.A. 11th Circuit.
- Sep 21 2015 Record received from the U.S.D.C. Southern District of Florida is electronic and located on PACER, with the exception of one SEALED Document. (1 envelope)
- Sep 22 2015 The record from the U.S.C.A. 11th Circuit is electronic and located on PACER.
- Sep 30 2015 Brief of respondent United States filed.
- Oct 2 2015 CIRCULATED
- Oct 7 2015 Brief amici curiae of National Association of State Legislators, et al. filed. (Distributed)
- Oct 9 2015 Motion of Americans for Forfeiture Reform out-of-time for leave to participate in oral argument as amicus curiae and for divided argument filed.
- Oct 29 2015 Reply of petitioner Sila Luis filed. (Distributed)
- Oct 30 2015 Motion of Americans for Forfeiture Reform out-of-time for leave to participate in oral argument as amicus curiae and for divided argument DENIED.
- Nov 10 2015 Argued. For petitioner: Howard Srebnick, Miami, Fla. For respondent: Michael R. Dreeben, Deputy Solicitor General, Department of Justice, Washington, D. C.

| Name                                        | Address                                                                                                                                             | Phone          |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Attorneys for Petitioner:</b>            |                                                                                                                                                     |                |
| Howard M. Srebnick<br>Counsel of Record     | Black, Srebnick, Kornspan & Stumpf, P. A.<br>201 S. Biscayne Blvd.<br>Miami, FL 33131<br>hsrebnick@royblack.com                                     | (305) 371-6421 |
| Party name: Sila Luis                       |                                                                                                                                                     |                |
| <b>Attorneys for Respondent:</b>            |                                                                                                                                                     |                |
| Donald B. Verrilli Jr.<br>Counsel of Record | Solicitor General<br>United States Department of Justice<br>950 Pennsylvania Avenue, N.W.<br>Washington, DC 20530-0001<br>SupremeCtBriefs@USDOJ.gov | (202) 514-2217 |
| Party name: United States                   |                                                                                                                                                     |                |
| Michael R. Dreeben                          | Deputy Solicitor General<br>Department of Justice<br>Washington, DC 20530<br>michael.r.dreeben@usdoj.gov                                            | (202) 514-2201 |
| Party name: United States                   |                                                                                                                                                     |                |
| <b>Other:</b>                               |                                                                                                                                                     |                |

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|                 |                             |                |
|-----------------|-----------------------------|----------------|
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|                 | anand.agneshwar@aporter.com |                |

Party name: Rutherford Institute

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| Jonathan P. Bach | Cooley LLP                  | (212)-479-6000 |
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|                  | jbach@cooley.com            |                |

Party name: New York Council of Defense Lawyers

|                |                              |                |
|----------------|------------------------------|----------------|
| Paulette Brown | President                    | (312) 988-5000 |
|                | American Bar Association     |                |
|                | 321 North Clark Association  |                |
|                | Chicago, IL 60654-7598       |                |
|                | abapresident@americanbar.org |                |

Party name: American Bar Association

|                  |                                   |                |
|------------------|-----------------------------------|----------------|
| Courtney J. Linn | Orrick Herrington & Sutcliffe LLP | (916) 447-9200 |
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|                  | Suite 3000                        |                |
|                  | Sacramento, CA 95819              |                |
|                  | clinn@orrick.com                  |                |

Party name: Associations of Criminal Defense Attorneys

|               |                              |                |
|---------------|------------------------------|----------------|
| Mary Massaron | Plunkett Cooney              | (248) 901-4000 |
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|               | Suite 2000                   |                |
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|               | mmassaron@plunkettcooney.com |                |

Party name: National Association of State Legislators, et al.

|                  |                                |                |
|------------------|--------------------------------|----------------|
| William J. Olson | William J. Olson, P.C.         | (703) 356-5070 |
|                  | 370 Maple Avenue West, Suite 4 |                |
|                  | Vienna, VA 22180-5615          |                |
|                  | wjo@mindspring.com             |                |

Party name: United States Justice Foundation, et al.

|              |                             |                |
|--------------|-----------------------------|----------------|
| Ilya Shapiro | Cato Institute              | (202) 842-0200 |
|              | 1000 Massachusetts Ave., NW |                |

Rp. 21

Washington, DC 20001

ishapiro@cato.org

Party name: Cato Institute and the DKT Liberty Project

Mahesha P. Subbaraman

222 S. 9th Street

(612) 315-9210

Suite 1600

Minneapolis, MN 55402

mps@subblaw.com

Party name: Americans for Forfeiture Reform

THE SUPREME COURT OF SOUTH CAROLINA  
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