

APPELLANT'S MOTION FOR LEAVE TO PROCEED ~~IN~~  
FORMA PAUPERIS UNDER BOUNDS V. SMITH

THE STATE OF SOUTH CAROLINA

RECEIVED

IN THE SUPREME COURT

FEB 24 2017

CG Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

S. PHILIP LEVSKI, ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 16-ALT-04-0030-AP.

APPELLATE CASE NO. 2016-001033

GEORGE CLEVELAND, III

S.C.D.C. No. 357770 . . . . . PETITIONER

v.

SOUTH CAROLINA DEPARTMENT

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

S.C.D.C.

OFFICE OF GENERAL COUNSEL

CHRISTINA CATOE BIGELOW, ESQUIRE

P.O. BOX 21787

COLUMBIA, S.C. 29221-1787

ATTORNEY FOR THE RESPONDENT

GEORGE CLEVELAND, III

TYGER RIVER CORRECTIONAL

200 PRISON ROAD

ENDREES, S.C. 29335

PRO SE PETITIONER

APPELLANT'S BOUNDS V. SMITH MOTION:

MAY IT PLEASE THE COURT, George  
CLEVELAND III proceeding pro se, respectfully  
request this court to GRANT MY MOTION  
TO PROCEED IN FORMA PAUPERIS UNDER  
BOUNDS V. SMITH 430 U.S. 812, 97 S.Ct. 1491  
U.S.N.C. (1977) on the following grounds:

I LACK THE \$100.00 FOR THE FILING FEE  
NOR DO I HAVE THE FUNDS FOR \$25.00  
MOTION FEE. R.P. INMATE ACCOUNT  
STATEMENT, see also R.p. 2.

ARGUMENT  
BOUNDS V. SMITH REQUIRES  
APPELLATE REVIEW WITHOUT PAYMENT  
OF DOCUMENT FEES!

The Supreme Court of the United States held  
under BOUNDS V. SMITH U.S. 812, 97 S.Ct. 1491  
(1977):

46... recent decisions have struck down  
restricts and required remedial measures  
to insure that inmate access to the  
court is adequate effective, and meaningful,  
thus in order to prevent "effectively  
foreclosed access," indigent prisoners must  
be allowed to file appeals . . . without  
payment of document fee! . . . yid, At 822,  
At 1495.

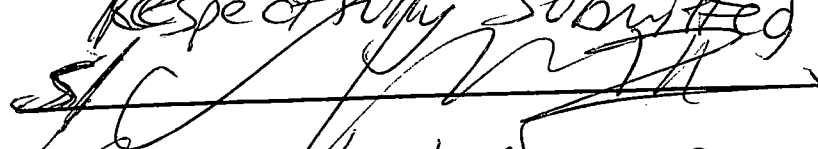
Bonds understands inmates without  
the means to earn money in prison must  
be barred from meaningful access to the  
courts. There is not a penny in my  
prison trust-fund account. R.p. 1.

3.  
CONCLUSION:

3-1. WHEREFORE'S based on the foregoing facts, legal authorities, AND supporting evidence, I respectfully request this court to GRANT my motion under BOUNDS V. SMITH to proceed in FORMA PAUPERIS;

3-2 ORDER the CLERK of this court to put my case on the docket for consideration by this court without the \$100.00 filing fee, or the \$25.00 motion fee.

3-3 ANY other relief this court deems, JUST, PROPER, AND/OR IMPARTIAL.

Respectfully submitted  
  
George Cleveland, #35770  
TYGER RIVER CORRECTIONAL  
3200 PRISON ROAD  
Enoree, S.C. 29335

DATED: FEBRUARY 20, 2017

CLEVELAND'S EXHIBIT - 1

20

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 357770  
INMATE NAME (PRINTED) INMATE (PRISONER) NUMBER

[Signature] TYGER RIVER CORRECTIONAL  
INMATE SIGNATURE PLACE OF CONFINEMENT

- ◆ (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

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

8/25/14  
Date

M. Boykin Financial Acdt  
Authorized Officer's Name and Title

SEBC FINANCIAL ACCTG  
2016 AUG 23 PM 2:16

CLEVELAND'S



EXHIBIT-2

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

February 08, 2017

George Cleveland #357770  
Tyger River CI/ 200 Prison Road  
Enoree SC 29335

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

Dear Mr. Cleveland:

Upon reviewing your motion to recall the remittitur, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your motion will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$25.00.
- The required \$100.00 filing fee has not been submitted pursuant to the orders of the Court dated June 7, 2016 and January 12, 2017.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

cc: Christina Catoe Bigelow, Esquire

APPELLANT'S PROOF OF SERVICE

RECEIVED

THE STATE OF SOUTH CAROLINA

FEB 24 2017

IN THE SUPREME COURT

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

J. PHILLIP LENSKE, ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 16-ALJ-04-0030 AP

APPELLATE CASE NO. 2016-001033

GEORGE CLEVELAND ~~III~~

S.C.D.C. No. 357770, . . . . PETITIONER,

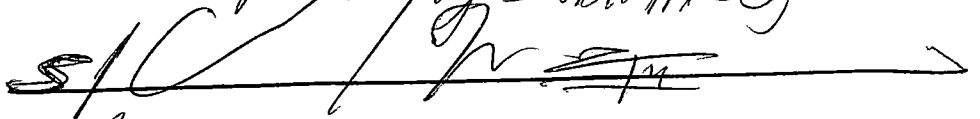
v.  
SOUTH CAROLINA DEPARTMENT

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

I, George Cleveland ~~III~~, certify that on the  
date below, I inserted into the black-mail box  
outside TIGER RIVER'S CAFETERIA properly  
addressed envelope; my motion to proceed in  
FORMA PAUPERIS AND supporting Exhibits to the  
counsel of Record for the respondent  
AT:  
page 10 of 2

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

Respectfully Submitted,



George Cleveland #35977  
TYGER RIVER CORRECTIONAL INST.  
200 PRISON ROAD  
ENOKEE, S.C. 29335

DATED: Feb 20, 2017

PAGE 2 OF 2

February 20, 2017

THE SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK OF COURT  
Post Office Box 11629  
Columbia, SC 29211

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FEB 24 2017

SC Court of Appeals

Re: George Cleveland, III v. S.C.D. of Appellate  
Case No. 2016-001033; Motion for leave to  
proceed in forma pauperis under BOUNDS v.  
SMITH

1. DEAR Ms. KITCHINGS,

CAN you please file my attached motion  
to proceed in forma pauperis, AND supporting  
exhibits to the motion. CAN you also place  
on the COURT'S bucket for the COURT'S  
CONSIDERATION?

2. CAN you also kindly stamp the extra-  
copies, AND MAIL back to me in the SAS?

cc: FILE

CHRISTINA CATOE BIGELOW, ESQUIRE

Respectfully Requested

~~George Cleveland III~~  
George Cleveland III

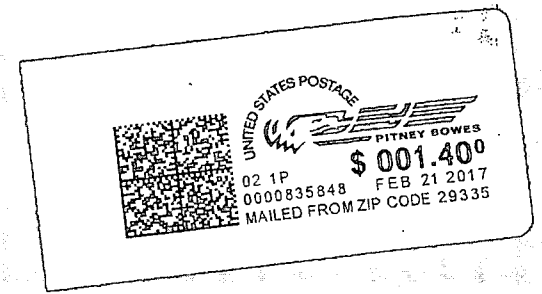
THE S.C. COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK OF COURT  
Post office Box 11629  
COLUMBIA, S.C. 29211



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

SCDC  
Christmas  
Packet  
V-219-B

George Cleveland, III #357770, U9-219-B  
TIGER RIVER CORRECTIONAL INST.  
200 PRISON ROAD  
ENOREE, S.C. 29335



RECEIVED  
FEB 24 2017  
SC Court of Appeals

RECEIVED  
FEB 21 2017  
TYRRI MAIL ROOM

THE SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK OF COURT  
Post office Box 11629  
Columbia, S.C. 29211

LEGAL MAIL