

**APPELLANT'S PETITION FOR REHEARING
OF FEBRUARY 09, 2017 ORDER**

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

RECEIVED

JUL 13 2017

SC Court of Appeals

**APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS**

**LEE S. ALFORD; CIRCUIT COURT JUDGE
LOWER COURT CASE NO. 2015-CP-40-05732
APPELLATE CASE NO. 2016-002453**

GEORGE CLEVELAND, III.....APPELLANT

v.

BRYAN P. STIRLING, et., al.....RESPONDENT

APPELLANT'S PETITION FOR REHEARING

AIKEN BRIDGES ATTORNEYS AT LAW
J. RUFUS BRATTON, III, ESQUIRE
POST OFFICE DRAWER 1931
FLORENCE, S.C. 29503
ATTORNEY FOR THE RESPONDENT

GEORGE CLEVELAND, III, prose
400 HUNTER STREET
SENECA, S.C. 29678
CELL no. 864-784-7223
Email: gcleveland7475@gmail.com

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PETITION FOR REHEARING

MAY IT PLEASE THE COURT: George Cleveland, III, proceeding prose, respectfully submits to this Court to Rehear the Feb 09, 2017 Order inasmuch as this Court denied my Motion to Proceed *In Forma Pauperis* under *Ex Parte Martin*, 321 S.C. 533, 471 S.E. 2d. 134 (1995) as this case conflicts with the Supreme Court of the United States holdings under *Bounds v. Smith* 430 U.S. 819, 97 S.ct. 1491 U.S. N.C. (1977) because the Supreme Court's holding required this Court to allow my Appeal in this Court to proceed "without payment of docket fee," *id.*, at 820, at 1495.

2

ARGUMENT

THIS COURT OVERLOOKED THE LEGAL REQUIREMENT BY THE SUPREME COURT OF THE UNITED STATES TO WAIVE THIS COURT'S FILING FEE UNDER BOUNDS v. SMITH

This Court wrote: "Appellant has filed a motion, which this Court construes as a motion to proceed in *forma pauperis*. The motion to proceed in *forma pauperis* is denied pursuant to *Ex Parte Martin*, 321 S.C. 533, 1471 S.E. 2d. 134 (1995). R.p. 1, is without authority because the *Bounds* court, *id.*, reasoned:

"in order to prevent 'effectively foreclosed access,' indigent prisoners must be allowed to file Appeals.... without payment of docket fees...", *id.*, at 822, at 1495. R.pp. 2-3. This court overlooked the principle of law under the *Bounds* court

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which provides me with the federal right to Appeal the lower Court's erroneous decision without the paying of the docket dee; accordingly, this Court overlooked the legal principle under the *Bounds* court. *IBID*.

3

CONCLUSION

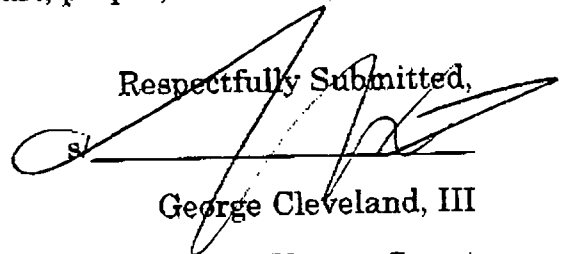
3-1 WHEREFORE; GRANT this PETITION FOR REHEARING;

3-2 ORDER additional BRIEFING if it pleases this Court correlated with the REHEARING PETITION.

3-3 Consider all other Motions on the Docket in this case.

3-4 ORDER any additional relief this Court deems just, proper, and/ or impartial.

Respectfully Submitted,



George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleland7475@gmail.com

DATED: July 12, 2017

R.P. 1

The South Carolina Court of Appeals

George Cleveland III #357770, Appellant,

v.

Bryan P. Stirling and Willie Eagleton, Respondents.

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Appellate Case No. 2016-002453

JUL 13 2017

SC Court of Appeals

ORDER

Appellant has filed a motion, which this court construes as a motion to proceed *in forma pauperis*. The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.


FOR THE COURT

Columbia, South Carolina

cc:
George Cleveland, III, #357770
James Rufus Bratton, III, Esquire

FILED

February 9, 2017

1. R.P. 2
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 PAUPERE
 Under BOUNDS V. SMITH 430 U.S. 819, 97 S. Ct. 1491, U.S.
 D.C. (1977) on the following grounds:

I LACK THE FUNDS FOR THE \$100.00 Filing fee.

2.
 ARGUMENT
BOUNDS V. SMITH REQUIRES
 APPELLATE REVIEW WITHOUT PAYMENT
 OF DOCKET FEES:

The supreme court of the United States held
 under BOUNDS V. SMITH 430 U.S. 813, 97 S. Ct. 1491 (1977)

"... Recent decisions have struck down restrictions
 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

R.P. ~~3~~ 3

"Allowed to file Appeals... without payment of docket fees"... ID, At 822 At 1495.

Bounds understands inmates without the means to earn money in prison, cannot have inadequate, ineffective, and meaningless access to the courts to file an appeal. There is not a penny in my prison trust-fund-account. R.P. 1. There are large numbers of folks in poverty in our state eg.:

531,000 papers on Medicaid in South Carolina because these folks live at or below the federal poverty limit. R.P. 2-3.

Over 80 papers held at the Sumter-Lee county Detention center for falling behind on child support payments. R.P. 4. ACLU of S.C.; Fall of 2015 Newsletter.

21% of Americans are eligible for legal aid from the Legal Services Corporation. R.P. 5 2013

1. congress created Legal Services Corporation Act 4 to provide equal access to the system of justice
2.

LEGAL MAIL

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

LEE S. ALFORD; CIRCUIT COURT JUDGE
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FLORENCE, S.C. 29503
ATTORNEY FOR THE RESPONDENT

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APPEALANT'S PROOF OF SERVICE

I, George Cleveland, III, certifies that on the date below, I served on the Respondent's Counsel of Record my **Petition for Rehearing, and supporting Appendix** with proper prepaid postage, and properly addressed to the following:

AIKEN BRIDGES ATTORNEYS AT LAW

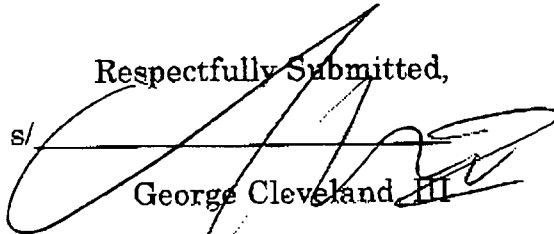
J. RUFUS BRATTON, III, Esquire

POST OFFICE DRAWER 1931

FLORENCE, S.C. 29503

Respectfully Submitted,

s/


George Cleveland, III


400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

DATED: July 12, 2017

		<h1>CUSTOMER'S RECEIPT</h1>	
<p>SEE BACK OF THIS RECEIPT FOR IMPORTANT CLAIM INFORMATION</p> <p>NOT NEGOTIABLE</p>	Pay to	S.C. COURT OF APPEALS	
	Address	PO Box 11629 Columbia, SC 29211	
Postal Number	Year, Month, Day	Post Office	Amount
	2017-07-12	296780	\$25.00
			Clark 8

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SC Court of Appeals

Prose Litigant George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

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SC Court of Appeals

FAX

To: The Honorable Jenny Abbott Kitchings, Clerk for the South Carolina Court of Appeals

From: George Cleveland, III

Date: July 12, 2017

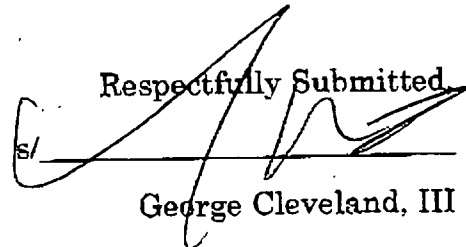
Re: George Cleveland, III v. Bryan P. Stirling, et, al, Appellate Case no. 2016-002453; Petition for Rehearing.

Fax no: 803-734-1839

Dear Ms. Kitchings,

Attached to this Email is my Petition for Rehearing, supporting Exhibits, and copy of \$25.00 filing fee. The originals have been postmarked with today's date, and mailed to your office for filing, and consideration. Can you file this fax with today's date respectively?

Respectfully Submitted,


George Cleveland, III