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**APPELLANT'S PETITION TO REHEAR SEPTEMBER 14, 2017**

**ORDER DENEYING MY TO PROCEED *in forma pauperis***

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS  
JEAN H. TOAL, CIRCUIT COURT JUDGE

**RECEIVED**  
**SC Court of Appeals**

Case No. 2014-CP-40-08059

Appellate Case No. 2017-001788

George Cleveland, III.....Appellant

vs.

Rebecca Schimsa, and Gov. Henry McMaster.....Respondents

**PETITION FOR REHEARING**

Office of the Attorney General  
Kevin Desmond Maroney, Asst. Atty. Gen.  
Post Office Box 11549  
Columbia, S.C. 29211-1549  
Counsel of Record

**RECEIVED**  
**JAN 16 2018**  
**SC Court of Appeals**

George Cleveland, III, *pro se*  
400 Hunter Street  
Seneca, S.C. 29678  
Cell no. 864-784-7223  
Email: gcleveland7475@gmail.com

1.

**PETITION TO REHEAR SEPTEMBER 14, 2017 ORDER**

**MAY IT PLEASE THE COURT:** George Cleveland, III, proceeding *pro se*, respectfully submits this Petition to Rehear this Court's Order of **September 14, 2017** which denied my Motion to Proceed *in forma pauperis* on the following grounds:

The Court cited *Ex Parte Martin* 321 S.C. 533, 471 2d. 134 (1995) is in conflict with *Bounds v. Smith* 430 U.S. 819, 97 S.ct. 1491 N.C. (1977)

2.

**ARGUMENT**

**This Court Overlooked the *Bounds* Court Principle to Allow me**

**Meaningful Access to the Courts without paying the filing fee:**

This Court denied my Motion to proceed *in forma pauperis* by Order of September 14, 2017, app 1, under *Ex Parte Martin* 321 S.C. 533, 471 S.E. 2d 134 (1995) (hereinafter *Ex Parte Martin*)

The *Ex Parte Martin* court held that "motion to proceed *in forma pauperis* may only be granted... by constitutional provisions," *id at 535 at 134-35*, on the other hand, the Supreme Court of the United States held under *Bounds V. Smith* 430 U.S. 817, 97 S.ct. 1491 (1977) (hereinafter *Bounds*) "in order to prevent

'effective foreclosed access' indigent [Appellant] must be allowed to file Appeals... without payment of docket fees..." *id* at 822 at 1495.

In my Motion to proceed *in forma pauperis*, I expressly cited the *Bounds* court, app 2, but this Court overlooked this controlling case, *id*; therefore, this Court must Grant this instant Petition to Rehear whether the *Ex Parte Martin* court is in conflict with the *Bounds* Court respectively.

3

### CONCLUSION

3-1. **WHEREFORE: GRANT** my Petition to Rehear the **September 14, 2017** order which denied my Motion to Proceed *in forma pauperis*.

3-2. **Order** additional Briefing if it pleases the Court.

3-3. **Order** any additional relied this Court deems just, proper, and/ or impartial.

Respectfully Submitted,

s/

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleland7475@gmail.com](mailto:gcleland7475@gmail.com)

**Dated: October 09, 2017**

APPELLANT'S APPENDIX IN SUPPORT OF PETITION  
TO REHEAR SEPTEMBER 14, 2017 ORDER  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS  
JEAN H. TOAL, CIRCUIT COURT JUDGE

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Case No. 2014-CP-40-08059  
Appellate Case No. 2017-001788

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*Robert J. Toal*  
OCT 10 2017  
SC Court of Appeals

George Cleveland, III.....Appellant  
vs.  
Rebecca Schimsa, and Gov. Henry McMaster.....Respondent

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App. 1

# The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

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## ORDER

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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 C Cleveland, III  
Kevin Desmond Maroney, Esquire

**FILED**

September 14, 2017

App 2

**APPELLANT'S BOUNDS v. SMITH:**

**MAY IT PLEASE THE COURT:** George Cleveland, III, proceeding prose, respectfully request this Court to Grant my Motion to Motion to Proceed *nforma pauperis* under *Bounds v. Smith 430 U.S. 819, 97 S.ct. 1491 N.C. (1977)*, on the following grounds:

DECLARATION

I lack the funds to pay the \$100 filing fee, see attached supporting Affidavit.

**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. 817, 97 S.ct. 1491 (1977)*

"...recent decisions have struck down restrictions and required remedial measures to insure that {Appellant} access to the Court is Adequate effective, and meaningful, thus in order to prevent 'effective foreclosed access' indigent {Appellant} must be allowed to file Appeals...without payment of docket fees"..., id., at 822 at 1495.

Bounds understands Appellant (s) without the means to pay the filing fee must have adequate, effective, and meaningful access to the Courts to file an Appeal so that the final Judgement of Circuit Court Judge Toal is checked for errors of law, and novel legal principals; therefore, *Bounds v. Smith* requires this Court to waive the \$100 filing fee so that my case can be reviewed by this Court respectively.

**APPELLANT'S PROOF OF SERVICE**

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

JEAN H. TOAL, CIRCUIT COURT JUDGE

Case No. 2014-CP-40-08059

Appellate Case No. 2017-001788

*RECEIVED*  
*OCT 10 2017*  
SC Court of Appeals

George Cleveland, III.....Appellant

vs.

Rebecca Schimsa, and Gov. Henry McMaster.....Respondent

**PROOF OF SERVICE**

I, George Cleveland, III, certifies that on the date below, I served the Respondent's Counsel of Record, my Petition for a Rehearing, Motion to file Rehearing Petition out-of-time, and supporting Appendix by United States Mail properly addressed, proper pre-paid postage, to the following:

Office of the Attorney General

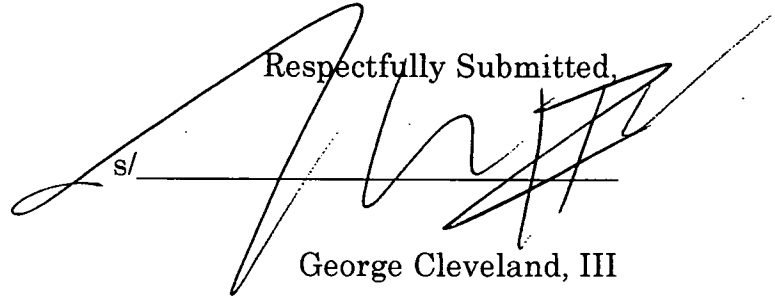
Kevin Desmond Moroney, Asst. Atty. Gen.

Post Office Box 11549

Columbia, S.C. 29211-1549

**RECEIVED**  
JAN 16 2018  
SC Court of Appeals

Respectfully Submitted,

s/ 

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleland7475@gmail.com](mailto:gcleland7475@gmail.com)

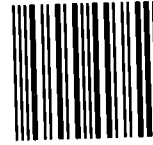
Dated: ~~October 09, 2017~~

JANUARY 12, 2018

~~George Cleveland~~  
400 Hunter Street  
Seneca, SC 29678



1000



29211

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JAN 16 2018

SC Court of Appeals

The SOUTH CAROLINA COURT OF APPEALS  
96 JENNY ABBOTT KITCHINGS' CLERK OF COURT  
Post Office Box 11629  
Columbia, S.C. 29211