

July 2019

**OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES  
WASHINGTON, D. C. 20543**

**GUIDE FOR PROSPECTIVE INDIGENT PETITIONERS FOR WRITS OF  
CERTIORARI**

**I. Introduction**

These instructions and forms are designed to assist petitioners who are proceeding *in forma pauperis* and without the assistance of counsel. A copy of the Rules of the Supreme Court, which establish the procedures that must be followed, is also enclosed. Be sure to read the following Rules carefully:

Rules 10-14 (Petitioning for certiorari)  
Rule 29 (Filing and service on opposing party or counsel)  
Rule 30 (Computation and extension of time)  
Rules 33.2 and 34 (Preparing pleadings on 8½ x 11 inch paper)  
Rule 39 (Proceedings *in forma pauperis*)

**RECEIVED**

NOV 05 2019

SC Court of Appeals

**II. Nature of Supreme Court Review**

It is important to note that review in this Court by means of a writ of certiorari is not a matter of right, but of judicial discretion. The primary concern of the Supreme Court is not to correct errors in lower court decisions, but to decide cases presenting issues of importance beyond the particular facts and parties involved. The Court grants and hears argument in only about 1% of the cases that are filed each Term. The vast majority of petitions are simply denied by the Court without comment or explanation. The denial of a petition for a writ of certiorari signifies only that the Court has chosen not to accept the case for review and does not express the Court's view of the merits of the case.

Every petitioner for a writ of certiorari is advised to read carefully the *Considerations Governing Review on Certiorari* set forth in Rule 10. Important considerations for accepting a case for review include the existence of a conflict between the decision of which review is sought and a decision of another appellate court on the same issue. An important function of the Supreme Court is to resolve disagreements among lower courts about specific legal questions. Another consideration is the importance to the public of the issue.

**III. The Time for Filing**

You must file your petition for a writ of certiorari within 90 days from the date of the entry of the final judgment in the United States court of appeals or highest state appellate court or 90 days from the denial of a timely filed petition for rehearing. The issuance of a mandate or remittitur after judgment has been entered has no bearing on the computation of time and does not extend the time for filing. See Rules 13.1 and

13.3. Filing in the Supreme Court means the actual receipt of paper documents by the Clerk; or their deposit in the United States mail, with first-class postage prepaid, on or before the final date allowed for filing; or their delivery to a third-party commercial carrier, on or before the final date allowed for filing, for delivery to the Clerk within 3 calendar days. See Rule 29.2.

#### IV. What To File

Unless you are an inmate confined in an institution and not represented by counsel, file:

—An original and ten copies of a motion for leave to proceed *in forma pauperis* and an original and 10 copies of an affidavit or declaration in support thereof. See Rule 39.

—An original and 10 copies of a petition for a writ of certiorari with an appendix consisting of a copy of the judgment or decree you are asking this Court to review including any order on rehearing, and copies of any opinions or orders by any courts or administrative agencies that have previously considered your case. See Rule 14.1(i).

—One affidavit or declaration showing that all opposing parties or their counsel have been served with a copy of the papers filed in this Court. See Rule 29.

If you are an inmate confined in an institution and not represented by counsel, you need file only the original of the motion for leave to proceed *in forma pauperis*, affidavit or declaration when needed in support of the motion for leave to proceed *in forma pauperis*, the petition for a writ of certiorari, and proof of service.

If the court below appointed counsel in the current proceeding, no affidavit or declaration is required, but the motion should cite the provision of law under which counsel was appointed, or a copy of the order of appointment should be appended to the motion. See Rule 39.1.

The attached forms may be used for the original motion, affidavit or declaration, and petition, and should be stapled together in that order. The proof of service should be included as a detached sheet, and the form provided may be used.

The Court's practice is to scan and make available on its website most filings submitted by litigants representing themselves. The Court scans petitions, motions to proceed *in forma pauperis*, proofs of service, and the portion of an appendix that includes relevant lower court opinions and rulings. While the Court does not scan other portions of an appendix from a *pro se* litigant, the entire appendix is fully a part of the Court's record and is available to the Justices.

On the same page, list all cases in other courts that are directly related to the case in this Court. A case is directly related if it arises from the same trial court case as the case in this Court (including the proceedings directly on review in this case), or if it challenges the same criminal conviction or sentence as is challenged in this Court,

whether on direct appeal or through state or federal collateral proceedings. Below is an example of the format that should be used for the list:

#### **V. Page Limitation**

The petition for a writ of certiorari may not exceed 40 pages excluding the pages that precede Page 1 of the form. The documents required to be contained in the appendix to the petition do not count toward the page limit. See Rule 33.2(b).

#### **VI. Redaction of Personal Information**

Pursuant to Rule 34.6, certain types of personal information should not be included in filings. For example, social security numbers and taxpayer identification numbers should be redacted so that only the last four digits of the number are included, and the names of minor children should be redacted so that only initials are included. In general, Rule 34.6 adopts the redaction practices that are applicable to cases in the lower federal courts. See, e.g., Federal Rule of Civil Procedure 5.2.

#### **VII. Method of Filing**

All documents to be filed in this Court must be addressed to the Clerk, Supreme Court of the United States, Washington, D. C. 20543 and must be served on opposing parties or their counsel in accordance with Rule 29.

### **INSTRUCTIONS FOR COMPLETING FORMS**

#### **I. Motion for Leave to Proceed *In Forma Pauperis* - Rule 39**

A. On the form provided for the motion for leave to proceed *in forma pauperis*, leave the case number blank. The number will be assigned by the Clerk when the case is docketed.

B. On the line in the case caption for "petitioner", type your name. As a *pro se* petitioner, you may represent only yourself. On the line for "respondent", type the name of the opposing party in the lower court. If there are multiple respondents, enter the first respondent, as the name appeared on the lower court decision, followed by "et al." to indicate that there are other respondents. The additional parties must be listed in the LIST OF PARTIES section of the petition.

C. If the lower courts in your case granted you leave to proceed *in forma pauperis*, check the appropriate space and indicate the court or courts that allowed you to proceed *in forma pauperis*. If none of the lower courts granted you leave to proceed *in forma pauperis*, check the block that so indicates.

D. Sign the motion on the signature line.

## II. Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis*

On the form provided, answer fully each of the questions. If the answer to a question is "0," "none," or "not applicable (N/A)," enter that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper, identified with your name and the question number. Unless each question is fully answered, the Clerk will not accept the petition. The form must either be notarized or be in the form of a declaration. See 28 U. S. C. § 1746.

## III. Cover Page - Rule 34

When you complete the form for the cover page:

A. Leave case number blank. The number will be assigned by the Clerk when the case is docketed.

B. Complete the case caption as you did on the motion for leave to proceed *in forma pauperis*.

C. List the court from which the action is brought on the line following the words "on petition for a writ of certiorari to." If your case is from a state court, enter the name of the court that last addressed the merits of the case. For example, if the highest state court denied discretionary review, and the state court of appeals affirmed the decision of the trial court, the state court of appeals should be listed. If your case is federal, the United States court of appeals that decided your case will always be listed here.

D. Enter your name, address, and telephone number in the appropriate spaces.

## IV. Question(s) Presented

On the page provided, enter the question or questions that you wish the Court to review. The questions must be concise. Questions presented in cases accepted for review are usually no longer than two or three sentences. The purpose of the question presented is to assist the Court in selecting cases. State the issue you wish the Court to decide clearly and without unnecessary detail.

## V. List of Parties and Related Cases

On the page provided, check either the box indicating that the names of all parties appear in the caption of the case on the cover page or the box indicating that there are additional parties. If there are additional parties, list them. Rule 12.6 states that all parties to the proceeding whose judgment is sought to be reviewed shall be deemed parties in this Court, and that all parties other than petitioner shall be respondents. The court whose judgment you seek to have this Court review is **not** a party.

On the same page, list all cases in other courts that are directly related to the case in this Court. A case is "directly related" if it arises from the same trial court case as the case in this Court (including the proceedings directly on review in this case), or if it challenges the same criminal conviction or sentence as is challenged in this Court, whether on direct appeal or through state or federal collateral proceedings. Below is an example of the format that should be used for this list:

- *Smith v. Jones*, No. 18-cv-200, U. S. District Court for the Western District of Pennsylvania. Judgment entered Oct. 1, 2018.
- *Smith v. Jones*, No. 18-1200, U. S. Court of Appeals for the Third Circuit. Judgment entered Apr. 15, 2019.

## VI. Table of Contents

On the page provided, list the page numbers on which the required portions of the petition appear. Number the pages consecutively, beginning with the "Opinions Below" page as page 1.

## VII. Index of Appendices

List the description of each document that is included in the appendix beside the appropriate appendix letter. Mark the bottom of the first page of each appendix with the appropriate designation, *e.g.*, "Appendix A." See Rule 14.1 pertaining to the items to be included in the appendix.

### A. Federal Courts

If you are asking the Court to review a decision of a federal court, the decision of the United States court of appeals should be designated Appendix A. Appendix A should be followed by the decision of the United States District Court and the findings and recommendations of the United States magistrate judge, if there were any. If the United States court of appeals denied a timely filed petition for rehearing, a copy of that order should be appended next. If you are seeking review of a decision in a habeas corpus case, and the decision of either the United States District Court or the United States Court of Appeals makes reference to a state court decision in which you were a party, a copy of the state court decision must be included in the appendix.

### B. State Courts

If you are asking the Court to review a decision of a state court, the decision of which review is sought should be designated Appendix A. Appendix A should be followed by the decision of the lower court or agency that was reviewed in the decision designated Appendix A. If the highest court of the state in which a decision could be had denied discretionary review, a copy of that order should follow. If an order denying a timely filed petition for rehearing starts the running of the time for filing a petition for a writ of certiorari pursuant to Rule 13.3, a copy of the order should be appended next.

As an example, if the state trial court ruled against you, the intermediate court of appeals affirmed the decision of the trial court, the state supreme court denied discretionary review and then denied a timely petition for rehearing, the appendices should appear in the following order:

Appendix A Decision of State Court of Appeals

Appendix B Decision of State Trial Court

Appendix C Decision of State Supreme Court Denying Review

Appendix D Order of State Supreme Court Denying Rehearing

### **VIII. Table of Authorities**

On the page provided, list the cases, statutes, treatises, and articles that you reference in your petition, and the page number of your petition where each authority appears.

### **IX. Opinions Below**

In the space provided, indicate whether the opinions of the lower courts in your case have been published, and if so, the citation for the opinion below. For example, opinions of the United States courts of appeals are published in the Federal Reporter. If the opinion in your case appears at page 100 of volume 30 of the Federal Reporter, Third Series, indicate that the opinion is reported at 30 F. 3d 100. If the opinion has been designated for publication but has not yet been published, check the appropriate space. Also indicate where in the appendix each decision, reported or unreported, appears.

### **X. Jurisdiction**

The purpose of the jurisdiction section of the petition is to establish the statutory source for the Court's jurisdiction and the dates that determine whether the petition is timely filed. The form sets out the pertinent statutes for federal and state cases. You need provide only the dates of the lower court decisions that establish the timeliness of the petition for a writ of certiorari. If an extension of time within which to file the petition for a writ of certiorari was granted, you must provide the requested information pertaining to the extension. If you seek to have the Court review a decision of a state court, you must provide the date the highest state court decided your case, either by ruling on the merits or denying discretionary review.

### **XI. Constitutional and Statutory Provisions Involved**

Set out verbatim the constitutional provisions, treaties, statutes, ordinances and regulations involved in the case. If the provisions involved are lengthy, provide their citation and indicate where in the Appendix to the petition the text of the provisions appears.

## **XII. Statement of the Case**

Provide a **concise** statement of the case containing the facts material to the consideration of the question(s) presented; you should summarize the relevant facts of the case and the proceedings that took place in the lower courts. You may need to attach additional pages, but the statement should be concise and limited to the relevant facts of the case.

## **XIII. Reasons for Granting the Petition**

The purpose of this section of the petition is to explain to the Court why it should grant certiorari. It is important to read Rule 10 and address what compelling reasons exist for the exercise of the Court's discretionary jurisdiction. Try to show not only why the decision of the lower court may be erroneous, but the national importance of having the Supreme Court decide the question involved. It is important to show whether the decision of the court that decided your case is in conflict with the decisions of another appellate court; the importance of the case not only to you but to others similarly situated; and the ways the decision of the lower court in your case was erroneous. You will need to attach additional pages, but the reasons should be as concise as possible, consistent with the purpose of this section of the petition.

## **XIV. Conclusion**

Enter your name and the date that you submit the petition.

## **XV. Proof of Service**

You must serve a copy of your petition on counsel for respondent(s) as required by Rule 29. If you serve the petition by first-class mail or by third-party commercial carrier, you may use the enclosed proof of service form. If the United States or any department, office, agency, officer, or employee thereof is a party, you must serve the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D. C. 20530-0001. The lower courts that ruled on your case are not parties and need not be served with a copy of the petition. The proof of service may be in the form of a declaration pursuant to 28 U. S. C. § 1746.

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Derrick Mundise — PETITIONER  
(Your Name)

VS.

SC Dept of Social Svcs — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

\_\_\_\_\_  
\_\_\_\_\_

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: \_\_\_\_\_

\_\_\_\_\_, or

a copy of the order of appointment is appended.

X Derrick Mundise  
(Signature)

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

I, Derrick Munchise, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Self-employment	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Income from real property (such as rental income)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Interest and dividends	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Gifts	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Alimony	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Child Support	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Unemployment payments	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Other (specify): <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
<b>Total monthly income:</b>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>None</u>	<u>None</u>	<u>None</u>	\$ <u>None</u>
<u>None</u>	<u>None</u>	<u>None</u>	\$ <u>None</u>
<u>None</u>	<u>None</u>	<u>None</u>	\$ <u>None</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>None</u>	<u>None</u>	<u>None</u>	\$ <u>None</u>
<u>None</u>	<u>None</u>	<u>None</u>	\$ <u>None</u>
<u>None</u>	<u>None</u>	<u>None</u>	\$ <u>None</u>

4. How much cash do you and your spouse have? \$ None Bank Statement  
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>Bank Statement</u>	\$ <u>1.00</u>	\$ <u>0 None</u>
<u>None</u>	\$ <u>None</u>	\$ <u>0 None</u>
<u>None</u>	\$ <u>None</u>	\$ <u>0 None</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home  
 Value None

Other real estate  
 Value None

Motor Vehicle #1  
 Year, make & model None  
 Value None

Motor Vehicle #2  
 Year, make & model None  
 Value None

Other assets  
 Description None  
 Value None

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>None</u>	\$ <u>None</u>	\$ <u>None</u>
<u>None</u>	\$ <u>None</u>	\$ <u>None</u>
<u>None</u>	\$ <u>None</u>	\$ <u>None</u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>None</u>	<u>None</u>	<u>None</u>
<u>None</u>	<u>None</u>	<u>None</u>
<u>None</u>	<u>None</u>	<u>None</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>None</u>	\$ <u>None</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>None</u>	\$ <u>None</u>
Home maintenance (repairs and upkeep)	\$ <u>None</u>	\$ <u>None</u>
Food	\$ <u>None</u>	\$ <u>None</u>
Clothing	\$ <u>None</u>	\$ <u>None</u>
Laundry and dry-cleaning	\$ <u>None</u>	\$ <u>None</u>
Medical and dental expenses	\$ <u>None</u>	\$ <u>None</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>None</u>	\$ <u>None</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>None</u>	\$ <u>None</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>None</u>	\$ <u>None</u>
Life	\$ <u>None</u>	\$ <u>None</u>
Health	\$ <u>None</u>	\$ <u>None</u>
Motor Vehicle	\$ <u>None</u>	\$ <u>None</u>
Other: _____	\$ <u>None</u>	\$ <u>None</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>None</u>	\$ <u>None</u>
Installment payments		
Motor Vehicle	\$ <u>None</u>	\$ <u>None</u>
Credit card(s)	\$ <u>None</u>	\$ <u>None</u>
Department store(s)	\$ <u>None</u>	\$ <u>None</u>
Other: _____	\$ <u>None</u>	\$ <u>None</u>
Alimony, maintenance, and support paid to others	\$ <u>None</u>	\$ <u>None</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>None</u>	\$ <u>None</u>
Other (specify): _____	\$ <u>None</u>	\$ <u>None</u>
<b>Total monthly expenses:</b>	<b>\$ <u>None</u></b>	<b>\$ <u>None</u></b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

*Fair Hearing Rights; Case No. 1712944*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11-5-2019, 2019

X *Demir Munselvi*  
(Signature)

No. \_\_\_\_\_

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Derrick Mundine — PETITIONER  
(Your Name)

vs.

SC Dept of Social Svcs RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of South Carolina  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Derrick Mundine  
(Your Name)

1426 Platt Springs Rd E4  
(Address)

West Columbia S.C 29169  
(City, State, Zip Code)

803-404-8151  
(Phone Number)

QUESTION(S) PRESENTED

General Communication: <sup>Case No.</sup> 01712944

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Fair Hearing Rights: <sup>Case No.</sup> 1712944

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### LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

SC DSS ; Case No. 01712944

### RELATED CASES

SC DSS ; Case No. 01712944

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<u>General Communication, Case No. 01712944</u>
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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix N/A to the petition and is

- reported at N/A - South Carolina; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix N/A to the petition and is

- reported at N/A - South Carolina; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix N/A to the petition and is

- reported at N/A - South Carolina; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the N/A - South Carolina court appears at Appendix N/A to the petition and is

- reported at N/A; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was N/A - South Carolina

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was July 26 2019  
A copy of that decision appears at Appendix N/A.

A timely petition for rehearing was thereafter denied on the following date: June 20 2019, and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

General Communication; <sup>Case No.</sup> 01712944

**STATEMENT OF THE CASE**

General Communication: <sup>Case No.</sup> 01712944

REASONS FOR GRANTING THE PETITION

Fair Hearing Summary; <sup>Case No.</sup> 1712944

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**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

X David M. ...

Date: 11-5-2015

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Derrick Mundine — PETITIONER  
(Your Name)

VS.

SC Dept of Social Svcs — RESPONDENT(S)

**PROOF OF SERVICE**

I, Derrick Mundine, do swear or declare that on this date, November 5, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Documents Attach

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-5-2019, 2019

X Derrick Mundine  
(Signature)

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NOV 05 2019  
SC Court of Appeals

# The Supreme Court of South Carolina

Derrick Mundine, Petitioner,

v.

South Carolina Department of Social Services,  
Respondent.

Appellate Case No. 2019-001103

Lower Court/Tribunal Case No. 2018ALJ180260AP

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## ORDER

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Petitioner has filed various documents seeking review of the decision of the South Carolina Court of Appeals in Appellate Case Number 2018-002021.

Based on the failure of the petitioner to file a petition for a writ and appendix having the content required by Rule 242(d) and (e) of the South Carolina Appellate Court Rules, this matter is dismissed.

FOR THE COURT

BY



CLERK

Columbia, South Carolina  
July 26, 2019

cc: Christopher Craig Jackson, Esquire  
Shawn L. Reeves, Esquire  
Mr. Derrick Mundine  
The Honorable Jenny Abbott Kitchings

7/18/2019



**FAIR HEARING SUMMARY**

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Case Name: Derrick Mundine Case Number: 1712944

JUL 19 2019

Certification Worker Name: David Woods, Jr.

S.C. SUPREME COURT

Other person(s) that will testify (i.e. Case Manager) Dawn Still, SNAP Supervisor

**Program/ Benefit Type:**

- SNAP
- TANF

Date of Application/ Recertification/ Change: 10/1/17

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Date of the notice of adverse action: N/A - Mass change

Effective (Month/ Year): 10/17

JUL 19 2019

Is Recipient eligible for continued benefits?

SC Court of Appeals

- Yes;
- No, Reason \_\_\_\_\_

Did Recipient refuse continued benefit?

FILED

- Yes
- No, Date continued benefits were instated N/A

JUL 19 2019

Recipient's reason for requesting fair hearing:

SC ADMIN LAW COURT

Original allotment amount in 2009 was \$200 monthly. Has gradually reduced to \$192 monthly.

Logical and concise explanation of DSS's action (see the back for information for specific appeal types).

Mr. Mundine has been receiving SNAP benefits since 4/09, with the exception of a 4 month period from 11/14 - 2/15. He receives benefits as a one person household with zero income, and therefore receives the maximum allotment for one person which is currently \$192 monthly. Mr. Mundine has filed an appeal because he states that when he originally began receiving SNAP benefits in 2009, he was receiving \$200 monthly. He states that his benefits have gradually decreased to the current level of \$192. Mr. Mundine states that he has never been notified of these decreases. SNAP supervisor Ms. Still explained to Mr. Mundine that these decreases were the result of changes made on the federal level which affect all SNAP recipients. SCDSS SNAP policy 15.8 states "Changes initiated by (continued)

7-19-2019

08/01/14

DERRICK L. MUNDINE  
2011 WILKERSON STREET  
APT 19-D  
CAYCE SC 29033

CASE NO: 01712944  
CASELOAD ID: 321D99  
COUNTY: LEXINGTON  
PHONE NO: 8037857333

GENERAL COMMUNICATION

DEAR MR. MUNDINE

THIS IS TO INFORM YOU THAT YOUR SNAP CASE HAS BEEN REOPENED AND YOUR SNAP BENEFITS FOR JULY 2014 HAVE BEEN REAUTHORIZED BECAUSE YOU HAVE BEEN EXEMPTED FROM THE SNAP EMPLOYMENT AND TRAINING PROGRAM DUE TO MEDICAL REASONS. IF YOU HAVE ANY QUESTIONS ABOUT THE NUMBER OF MONTHS YOU HAVE USED OF YOUR FI ASSISTANCE YOU MAY CALL YOUR CASEMANAGER. THE 24 MONTH TIME LIMIT DOES NOT APPLY TO YOUR SNAP BENEFITS.

\* \* \* \* \* PLEASE REMEMBER TO REPORT ALL HOUSEHOLD CHANGES \* \* \* \* \*

IMPORTANT!! IMPORTANT!! YOU ARE NOT REQUIRED TO PAY STATE SALES TAX FOR FOOD PURCHASED WITH SNAP BENEFITS.

FAIR HEARING RIGHTS ARE EXPLAINED ON THE BACK OF THIS NOTICE.  
IF YOU HAVE QUESTIONS, CALL ME AT (803)785-7333 .

7-19-2019

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JUL 19 2019  
S.C. SUPREME COURT

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Request for Waiver and Affidavit JUL 08 2019  
SC Administrative Law Court  
1205 Pendleton St., Suite 224, Columbia, SC 29201 SUPREME COURT

Derrick Mundine  
Name of Requestor

P.O. Box 2511  
Address

803-797-1231 / 803-297-1231  
Home Phone Office or Cell Phone

West Columbia SC 29171  
City State Zip

I, Derrick Mundine (your name), being duly sworn, state that I am requesting a hearing before the Administrative Law Court and that as shown on the attached Financial Statement, I do not have the funds available to pay the costs of filing this action. Therefore, I request that the filing fee associated with this action be waived.

[Signature]  
Signature of Requestor

Sworn to before me this  
18<sup>th</sup> day of July, 2018

[Signature]  
Notary Public of South Carolina

My Commissions expires: 3-28-2027

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JUL 09 2019  
SC Court of Appeals

The section below to be completed by the Court

ORDER by the Court:

Fee Waived (The action will be processed and assigned to a Judge.)

Waiver Denied (The filing fee must be paid within 10 days of the receipt of this order.)

[Signature]  
Ralph K. Anderson, III  
Chief Judge

Date 7/19/18

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SC Court of Appeals

FILED

Instructions - If you believe you are financially unable to pay the required filing fee in order to file a case with the Administrative Law Court, you will need to complete the Request for Waiver and Affidavit form and the Financial Statement form. (See ALC Rule 71). These forms must be completed in their entirety and must be signed by you and notarized by a Notary Public of South Carolina. The completed forms should be mailed to the Administrative Law Court at the address on the top of the forms, along with all of your documentation for filing your case. The Chief Judge will review your forms, and at his discretion, will either grant or deny your request to waive the filing fee. You will be notified in writing of his decision. If you have any questions regarding these forms, you may contact the Clerk's Office at (803) 734-0550.

JUL 10 2019

SC ADMIN LAW COURT

Financial Statement  
SC Administrative Law Court  
1205 Pendleton St., Suite 224, Columbia, SC 29201

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JUL 08 2019

S.C. SUPREME COURT

Full Name: Derrick Munchie I am 52 years of age  
Employer's Name: N/A Full time: [] Part time: [] Hours per week: 0  
Employer's Address: N/A  
Gross (before deductions) Monthly wages: N/A Hourly wages: N/A  
If unemployed, date and salary of last employment: July 2006 \$1,000 weekly

Other income per month: Monthly expenses:  
Public Assistance: \$ N/A Rent Mortgage: \$ N/A  
Unemployment: \$ N/A Car lease payment: \$ N/A  
Child Support: \$ N/A Food: \$ 192.00  
Social Security: \$ N/A Utilities: \$ 90.00  
Gifts/Other: \$ N/A Credit cards: \$ 12.75

Assets:  
Checking Account: \$ N/A  
Savings Account: \$ 42.00  
Est. Home Value: \$ N/A  
Other Assets: \$ N/A  
Automobile: Year: N/A Make/Model: N/A

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FEB 27 2019

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My Spouse/Partner/Live-in's Name is: N/A Age: N/A Check if no other adult in household: [] :  
Employer's Name: N/A Full time: [] Part time: [] Hours per week: 0  
Employer's address: N/A  
Gross (before deductions) Monthly wages: N/A Hourly wages: N/A  
If unemployed, date and salary of last employment: N/A

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Other household income and assets of Spouse/Partner/Live-in Companion:  
Public Assistance: \$ 545.00 Checking Account: \$ N/A  
Unemployment: \$ N/A Savings Account: \$ 2.00  
Child Support: \$ N/A Other: \$ N/A  
Social Security: \$ N/A Automobile: Year: N/A Make/Model: N/A  
Gifts/Other: \$ N/A

TOTAL MONTHLY HOUSEHOLD INCOME: \$ None  
TOTAL MONTHLY HOUSEHOLD EXPENSES: \$ None

FILED

JUL 09 2019

SC ADMIN LAW COURT

List the names and ages of all other members of your household whom you financially support: (use reverse side if more space needed)  
Name: None Age: None Relation: None  
Name: None Age: None Relation: None

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my financial condition.

Derrick Munchie  
Signature

Feb 27 2019  
Derrick Munchie

Mundire Derrick  
 1009219989 040 Signature Personal Savings

Ledger balance:	6.82	Today's activity:	0.00
Current balance:	6.82	Total Holds:	0.00
Account available balance:	6.82	Float:	0.00
Total accessible balance:	6.82	Unused PRA:	
Closing balance:	6.82	Related available balance:	0.00
Last statement:	06/26/2019		

5 Transactions from 07/01/2019 to 08/23/2019

<u>Date</u>	<u>Check</u>	<u>Debit</u>	<u>Credit</u>	<u>Other</u>	<u>Description</u>	<u>Status</u>	<u>Balance</u>
08/09/2019	<u>Image</u>		5.00		600 - Deposit		
08/09/2019	1			76.00	586 - Available Float		
08/09/2019	1			76.00	580 - Collectable Float		
07/26/2019		5.00			362 - Service Charge		
07/19/2019			5.00		119 - Transfer Credit		

*D. No*  
 8-23-2019

No \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Derrick Mundine

Petitioner

VS

South Carolina Department  
Of Social Services

Respondent

The Supreme Court of South Carolina: Appellate Case No. 2019-001103  
The South Carolina Court of Appeals: Appellate Case No. 2018-002021

Office of General Counsel  
SC DSS P. O. Box 1520  
Columbia, SC 29202

Supreme Court of the United States  
Office of the Clerk  
1 1<sup>st</sup> St NE  
Washington. DC 20543

Jana E Shealy, Clerk  
1205 Pendleton St Suite 224  
Columbia, SC 29201

Honorable H. W. Funderburk, Jr.  
1205 Pendleton St Suite 224  
Columbia, SC 29201

Chief Judge of Appeals      Lockemey  
1220 Senate Street  
Columbia, SC 29201

Judge of Appeals              Kanduros  
1220 Senate Street  
Columbia, SC 29201

Judge of Appeals              Hill  
1220 Senate Street  
Columbia, SC 29201

Supreme Court Clerk      Daniel E Shearouse  
1231 Gervais Street  
Columbia, SC 29201

Derrick Mundine  
*Derrick Mundine*  
P.O. Box 2511  
Cayce S.C 29033

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