

FILED

MAY 07 2013

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

SC ADMIN. LAW COURT

James Graham, 249255,)
)
Appellant,)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No.: 13-ALJ-04-0333-AP
Grievance No.: ECI 0410-13

ORDER OF DISMISSAL

RECEIVED

MAY 23 2013

SC Court of Appeals


This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed April 28, 2013 by James Graham ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Department"). Appellant appeals the decision of the Department denying his grievance in which the Appellant complains that the Department's medical staff has failed to properly treat him for back pain and Hepatitis C. The Department asserts that the Appellant has received adequate medical care to address his ongoing conditions.

The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep't of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004) provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007).

The Appellant has not alleged a deprivation of a state-created liberty or property interest in this matter. Therefore, the Court finds Furtick to be controlling in this matter.

IT IS HEREBY ORDERED that this appeal is **DISMISSED, with prejudice.**

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

May 7th, 2013
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date
served this order in the above entitled action upon all
parties to this cause by depositing a copy hereof,
in the United States mail, postage paid, or in the emergency
Mail Service addressed to the party(ies) or their attorney(s).

This 7 day of May, 2013
By: 