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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal Administrative Law Court
Deborah Brooks Durden, Judge

Docket No. 23-ALJ-04-0409-AP
Grievance NO. TYRCI 05-8-23
TYRCI 0508-23

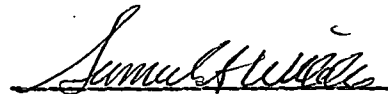
Samuel A. Wilder...#258295.....Appellant,

VS

South Carolina Department of Corrections.....Respondent

NOTICE OF APPEAL

I Samuel A Wilder appeals the order of dismissal from the Administrative Law Court that was dated October 24, 2023 and received by me on October 28, 2023 .



Samuel A. Wilder

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Samuel A. Wilder, #258295,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

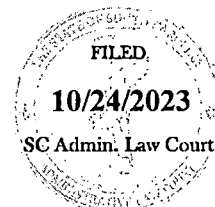
Docket No. 23-ALJ-04-0409-AP
Grievance No. TYRCI 0508-23

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Samuel A. Wilder (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). Appellant seeks review of the Department's Step 2 Grievance decision in a matter concerning alleged prison employee misconduct. Appellant's allegations do not implicate a state-created liberty or property interest.

This Court reviews Department grievance decisions pursuant to the South Carolina Supreme Court decision in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Under the Al-Shabazz line of cases, this Court may only review matters related to a state-created liberty or property interest. See id., 338 S.C. at 368–69, 527 S.E.2d at 749–50 (vesting the ALC with jurisdiction over the loss of state-created liberty interests such as accrued good time credit); Wicker v. S.C. Dept. of Corrs., 360 S.C. 421, 602 S.E.2d 56 (2004) (holding that inmate had a right to procedural due process in matters involving a state-created right to property such as wages). Specifically, the South Carolina Supreme Court has stated that summary dismissal of an otherwise properly perfected inmate appeal “may be appropriate where the inmate’s grievance does not implicate a **state-created** liberty or property interest.” Slezak v. S.C. Dept. of Corrs., 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004) (citation omitted) (emphasis added). When a prison matter does not implicate constitutional interests, this Court traditionally maintains a “hands off” approach. See Al-Shabazz, 338 S.C. at 382, 527 S.E.2d at 757 (citing Pruitt v. State, 274 S.C. 565, 567–68, 266 S.E.2d 779, 780 (1980)).

Because Appellant has not alleged the infringement of a state-created liberty or property interest, it is appropriate to dismiss this appeal.



THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**

AND IT IS SO ORDERED.



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

October 24, 2023
Columbia, South Carolina