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S.C. SUPREME COURT

OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Samuel Wilder, #258295,)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No. 24-ALJ-04-0335-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Samuel Wilder (Appellant), an inmate imprisoned in the South Carolina Department of Corrections (SCDC or Department).

Appellant filed a Step 1 Grievance on December 15, 2023 alleging he missed two medical appointments due to an SCDC unwritten rule that personal property must be packed up before leaving for outside medical appointments. The grievance was investigated and considered resolved on January 5, 2024. Thereafter, Appellant filed a Step 2 grievance, which was denied on March 8, 2024. On March 27, 2024, Appellant filed a Notice of Appeal. The case was assigned on April 11, 2024.

The Department filed a Motion to Dismiss (Motion) on June 19, 2024, asserting that Appellant's claims do not implicate a state-created liberty or property interest. As of the date of this Order, Appellant has not filed a Response to the Motion.¹

DISCUSSION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the Court held that the ALC's jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious

¹ Appellant attempted to file a response to the Motion on June 25, 2024, however, the response and the certificate of service was unsigned by Appellant. As a result, the response was not deemed filed. See SCALC Rule 55.



rule violation. *Id.* at 382; 527 S.E.2d at 757. In *Slezak v. South Carolina Department of Corrections*, our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate “where the inmate’s grievance does not implicate a state-created liberty or property interest.” 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), *cert. denied*, 544 U.S. 1033, 125 S.Ct. 2266, 161 L.E.2d 1060 (2005); *see also Skipper v. S.C. Dep’t of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) (finding dismissal of inmate’s appeal appropriate because his grievance did not implicate a state-created liberty interest).


For the purpose of establishing jurisdiction, a state-created liberty or property interest generally exists when (1) an inmate is disciplined and punishment is imposed or (2) when an inmate alleges prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. *Sullivan*, 355 S.C. at 441, 586 S.E.2d at 126. Additionally, under certain circumstances, an inmate may have a state-created liberty interest in “freedom from restraint which, while not exceeding the sentence in such an unexpected manner as to give rise to protection by the Due Process Clause of its own force . . . nonetheless imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” *Sandin v. Conner*, 515 U.S. 472, 483-84 (1995); *see Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (applying *Sandin* to resolve a “condition of confinement claim”).

Appellant’s appeal is based upon an allegation that due to an SCDC unwritten rule requiring him to pack his property before leaving for outside medical appointments, he missed two of his appointments. Because this claim does not allege a deprivation of a state-created liberty or property interest in this matter, the Court finds that summary dismissal is appropriate in this case. *See Slezak*, 361 S.C. at 331, 605 S.E.2d at 508; *see also Skipper*, 370 S.C. at 267, 633 S.E.2d at 910.

ORDER

IT IS HEREBY ORDERED that the Department’s Motion is **GRANTED**, and that this appeal is, therefore, **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.

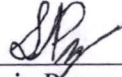


Ralph King Anderson, III
Chief Administrative Law Judge

July 1, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Stephanie Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Stephanie Perez
Judicial Law Clerk

July 1, 2024
Columbia, South Carolina