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SC Court of Appeals

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Clifton Lyles, #294075, )  
)  
Appellant, )  
)  
v. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )

Docket No. 24-ALJ-04-0447-AP

**ORDER GRANTING  
RESPONDENT'S MOTION  
TO DISMISS**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on June 3, 2024 by Clifton Lyles (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Department or Respondent). After the Appellant's Step 1 and Step 2 grievances were filed and returned to him because his issues are non-grievable he filed a Notice of Appeal with this court because the Department's grievance policy is a direct violation of a prisoner's right to seek redress of his grievance.

On September 17, 2024, the Department filed a Motion to Dismiss pursuant to *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) and *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) because the appeal does not involve a state-created liberty or property interest. On September 23, 2024, the Appellant filed a response to the Department's Motion to Dismiss, requesting the court deny the Department's motion and to order the Department to change the policy to allow appellate review of unprocessed grievances.

**DISCUSSION**

The court's jurisdiction to hear this matter is derived entirely from the decision of the Supreme Court of South Carolina in *Al-Shabazz*. See *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). This court's appellate jurisdiction in inmate appeals is limited to cases involving the denial of a state-created liberty interest, which typically arise in two ways: (1) when an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) when an inmate is disciplined and punishment is imposed at a major disciplinary hearing as a result of a serious rule violation.<sup>1</sup> See *id.* at 369, 527 S.E.2d at 750. In

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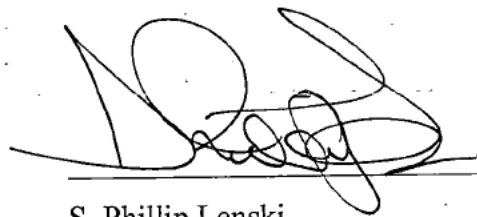
<sup>1</sup> The court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

reviewing the *South Carolina Department of Corrections Manual for General Administration*, Inmate Grievance System, No. GA-01.12, the Court also explicitly found that the Department's grievance procedures are consistent with the due process requirements delineated in *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). *Id.* at 373, 527 S.E.2d at 752. The Court further noted that the Department prepared its grievance procedures in compliance with the Civil Rights of Institutionalized Persons Act, 42 U.S.C.A. §§ 1997-1997j (1994 & Supp. 1999); *see also* 28 C.F.R. §§ 40.1 to 40.22 (1998) (standards for inmate grievance procedures). *Id.* Therefore, given the Court's conclusion that the Department's grievance procedures comply with the minimal due process required, there is no state created liberty or property interest implicated in this matter and as such, the court must adhere to the traditional "hands off" doctrine regarding judicial involvement in internal prison matters. *See Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980); *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (emphasis supplied).

Furthermore, pursuant to *Slezak*, the court is to have jurisdiction over all properly perfected inmate appeals, but "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state-created liberty or property interest." *See Slezak*, 361 S.C. at 331, 605 S.E.2d at 508 (citation omitted). Additionally, in *Skipper*, the Court of Appeals of South Carolina interpreted *Slezak* as holding that a judge "should" dismiss a prisoner's appeal where it does not implicate a state-created liberty interest. *See Skipper*, 370 S.C. at 279, 633 S.E.2d at 917.

**THEREFORE**, for the foregoing reasons, the Department's Motion to Dismiss is **GRANTED** and this appeal is hereby **DISMISSED**.

**IT IS SO ORDERED.**



S. Phillip Lenski  
Administrative Law Judge

October 10, 2024  
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 interagency Mail Service addressed to the party(ies) or their attorney(s).

This 10<sup>th</sup> day of October 2024

\_\_\_\_\_  
Judicial Law Clerk