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May 12 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 23-ALJ-04-0447-AP
Appellate Case No. 2024-001796

CLIFTON D. LYLES, # 294075,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO DISMISS APPEAL

On December 27, 2024, Respondent submitted a motion to remand this matter to the Administrative Law Court (ALC) to then remand the case back to the Department for issuance of a corrected Step 2 grievance response regarding Appellant's grievance challenging the procedures of the grievance policy. The motion to remand was granted by Order dated February 14, 2025. The ALC remanded the matter to the Department by Order dated April 15, 2025. The Department issued and served an appealable corrected Step 2 grievance response to Appellant on

April 28, 2025 (see attached). Appellant can file a new appeal with the ALC if he is unsatisfied with the corrected grievance response. Accordingly, Respondent respectfully requests that this appeal be dismissed as moot.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 
CHRISTINA C. BIGELOW

Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

May 12, 2025

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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2**

Office Use Only

INMATE NAME: Clifton D. Lyles
SCDC NUMBER: 294075
INSTITUTION: Livesay
HOUSING UNIT: _____
WORK ASSIGNMENT: _____

Grievance No. LIWC-0059-24
Code: General PLIAD
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: _____
IGC Initials: _____
Date Received: 4-24-25
IGA Initials: JCB

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

In accordance with SCDC Policy GA-01.12, "Inmate Grievance System," due to the nature of allegations you have raised in your grievance, it has been forwarded to the Inmate Grievance Branch Central Office and Office of General Counsel for a response.

Inmate's signature has been adopted from SCDC 10-5, Step 1 Inmate Grievance Form.

Grievant Signature N/A Date N/A

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

SEE REVERSE SIDE FOR RESPONSIBLE OFFICIAL'S DECISION & REASON

Responsible Official Signature [Signature] Date 4-24-25

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

[Signature] 4-28-25
Grievant Signature Date

[Signature] 4-28-25
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.
3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

Clifton D. Lyles, # 294075 – LIWC-0059-24

The SCDC Inmate Grievance System establishes guidelines for the development and implementation of an inmate grievance to seek formal review of complaints. The system is accessible to all inmates. It is designed to provide a vehicle for internal solutions. Pursuant to SCDC Policy GA-01.12 Inmate Grievance System (IGS), formal resolution at the highest internal Agency level requires the fulfillment of a Step 1 Grievance Warden decision and a Step 2 Grievance final Agency decision, to proceed with Administrative Law Court (ALC) procedures. If predetermined criteria documented in sections 7 through 13.8 are not fulfilled, SCDC will not provide ALC forms to inmates to pursue complaints outside of the SCDC IGS.

The Agency Inmate Grievance Coordinator (AIGC)/designee monitors policy compliance, while under the purview of, but not limited to, the Office of General Counsel. Additionally, the aforementioned policy defines "unprocessed grievances" as grievances that have been reviewed but did not qualify pursuant to SCDC Policy GA-01.12 to receive a Warden's Decision (decision) and consequently returned to the grievant. However, to ensure that the return of a grievance was most appropriate, the AIGC reserves the right to overturn initial action taken for further consideration if prompted by the grievant. SCDC Policy GA-01.01 Policies, Publications, and Forms determines development and modification of all Agency policies. Agency policies will comply with applicable state, federal, and local statutes and with case law.

While technical error may have been detected, outside of the review of the AIGC noted in LIWC-0059-24, GA-01.12 provides sufficient accommodations for review of grievances at various levels of authority and therefore concludes that the grievant's request to provide an avenue to appeal the AIGC's final decision of unprocessed grievance to the ALC is without merit.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within 30 days of receipt.

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APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the Respondent's **Motion to Dismiss Appeal** to Appellant, addressed as follows:

Clifton D. Lyles, # 294075
Livesay Correctional Institution
N2-0024
Post Office Box 580
Una, South Carolina 29378



Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

May 12, 2025



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

May 12, 2025

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Clifton D. Lyles, # 294075 v. South Carolina Department of Corrections
Appellate Case No. 2024-001796

Dear Ms. Kitchings:

Enclosed please find the Respondent's **Motion to Dismiss Appeal** in the above captioned case, along with **Proof of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Christina C. Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Clifton D. Lyles, # 294075
Livesay Correctional Institution
N2-0024
Post Office Box 580
Una, South Carolina 29378