

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Harlan D. Melton, #364742, )  
 )  
Appellant, )  
 )  
v. )  
 )  
South Carolina Department of Corrections, )  
 )  
Respondent. )  
 )

Docket No. 25-ALJ-04-0203-AP

ORDER GRANTING  
RESPONDENT'S MOTION TO  
DISMISS

RECEIVED

AUG 25 2025

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed on April 22, 2025 by Harlan D. Melton (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 and Step 2 grievances were filed and denied, he filed a Notice of Appeal with this court appealing his conviction of Possession of Any Communication Device (898) because Department staff failed to follow Department policy in violation of the Appellant's constitutional right to due process and equal protection of the laws. The Appellant did not lose any good time credit as a part of any punishment but failed to earn good time credit for the month in which the disciplinary infraction occurred.

On July 3, 2025, the Department filed a Motion to Dismiss pursuant to *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2016) and S.C Code Ann. § 1-23-600(D). On July 15, 2025, the Appellant filed a response to the Department's Motion to Dismiss asserting that the failure to earn good time credits is a loss and asking the court to deny the Department's motion.

**DISCUSSION**

This court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Therefore, the court's appellate jurisdiction in inmate appeals is limited to cases involving the denial of 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 rule violation.<sup>1</sup> *Id.*

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



In the motion to dismiss, the Department argues that because the Appellant is not alleging the loss of any good time credit as part of his punishment, but instead failed to earn good time for the month the disciplinary infraction occurred, no state-created liberty or property interest is implicated in this case and the Appellant's appeal does not trigger procedural due process guarantees. Therefore, the court should dismiss this appeal pursuant to *Howard* and subsection 1-23-600(D) of the South Carolina Code. See *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 636, 733 S.E.2d 211, 221 (2012) (holding that "because the plain language of section 1-23-600(D) would prohibit an ALC from hearing *all* inmate appeals involving the loss of the opportunity to earn sentence-related credits...the ALC may not summarily dismiss an appeal solely on the basis that it involves the loss of the opportunity to earn sentence-related credits. Instead, the ALC must also consider whether the appeal implicates a state-created liberty or property interest") (emphasis in original).

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *SCDC v. Mitchell*, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008). Consequently, the review in these inmate grievance cases is limited to the record before the court. There is no state-created liberty or property interest implicated in this case. As such, this is a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters. See *Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) and *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Therefore, based on the foregoing,

**IT IS HEREBY ORDERED** that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

**AND IT IS SO ORDERED.**

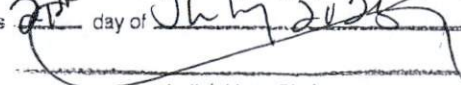


S. Phillip Lenski  
Administrative Law Judge

July 21, 2025  
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 21<sup>st</sup> day of July 2025  
  
Judicial Law Clerk