

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Patrick Strozier, #119519,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No. 25-ALJ-04-0261-AP

ORDER OF DISMISSAL

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SC Court of Appeals

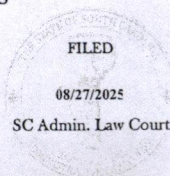
This matter comes before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Patrick Strozier (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department).

Appellant filed a Step 1 Grievance on December 30, 2024, asserting that he had been subjected to excessive force and requested camera footage of the incident and to speak with the Office of Inspector General. The Department denied his grievance on February 5, 2025. Appellant then filed a Step 2 Grievance which was denied on March 25, 2025 and received by Appellant on April 17, 2025. On June 6, 2025, Appellant filed a Notice of Appeal. The case was assigned on June 19, 2025.

The Department filed a Motion to Dismiss (Motion) on August 12, 2025 because Appellant's allegation of excessive force by SCDC is not based upon state-created liberty or property interest. As of the date of this Order, Appellant has not filed a response to the Motion which the Court deems consent to the relief sought in the Motion. *See* Rule 7, SCALCR ("Failure of a party to timely file a response may be deemed a consent by that party to the relief sought in the motion or petition.")

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



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”).

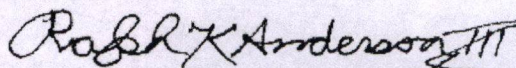
Pursuant to Rule 59 of the Rules of Procedure for the Administrative Law Court (SCALC Rules), an inmate must file an appeal from a decision of the Department within thirty days of receipt of the decision, and “[t]he service of a notice of appeal is a jurisdictional requirement,” which cannot be extended by the court. *Hill v. S.C. Dep’t of Health & Env’t Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010). In this case, Appellant received the Department’s decision denying his Step 2 Grievance on April 17, 2025. Appellant did not file an appeal until June 6, 2025; thus, his appeal is untimely. Rule 59, SCALCR. Therefore, this Court does not have jurisdiction to address his claim.

Moreover, Appellant’s appeal is based upon an allegation of excessive use of force by an SCDC officer. Because Appellant has not alleged a deprivation of a state-created liberty or property interest in this matter, the Court also 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; *see also In re Care & Treatment of McCracken*, 346 S.C. 87, 92, 551 S.E.2d 235, 238 (2001) (“A bald assertion, without supporting argument, does not preserve an issue for appeal.”).

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.

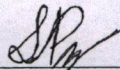


Ralph King Anderson, III
Chief Administrative Law Judge

August 27, 2025
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

August 27, 2025
Columbia, South Carolina

Mr. Patrick Strower # 119519
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430 Oaklawn Rd.
Pelzer, S.C. 29669

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