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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Gregory Pencille, #312332,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No. 26-ALJ-04-0035-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Gregory Pencille (Appellant), an inmate housed with the South Carolina Department of Corrections (SCDC or Department).

Appellant filed a Step 1 Grievance on October 12, 2025, alleging that the policy concerning approved book vendors violated the First Amendment. On November 21, 2025, the Department reviewed Appellant’s Step 1 Grievance and considered it resolved. Thereafter, Appellant filed a Step 2 grievance, which was considered resolved on January 5, 2026. On January 30, 2026, Appellant filed a Notice of Appeal. The case was assigned on February 19, 2026.

The Department filed a Motion to Dismiss (Motion) on March 19, 2026, 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.

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

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SC Admin. Law Court

(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).

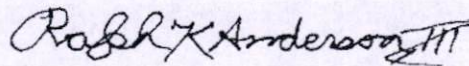
For the purpose of establishing jurisdiction, a state-created liberty or property interest generally exists when (1) an inmate is disciplined and punishment is imposed or (2) when an inmate alleges prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. *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 a claim that a SCDC policy about approved book vendors violates the First Amendment. 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. Furthermore, since Appellant did not respond to the Department's motion, he consented to the dismissal of this case.

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.

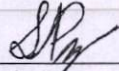


Ralph King Anderson, III
Chief Administrative Law Judge

April 2, 2026
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

April 2, 2026
Columbia, South Carolina