



The South Carolina Court of Appeals

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May 1, 2026

Gregory Pencille, 00312332
Evans Correctional Institution
610 Highway #9, West
Bennettsville SC 29512

Re: Gregory Pencille, #312332 v. SCDC (4)
Appellate Case No. 2026-001052

RECEIVED
MAY 12 2026
SC Court of Appeals

Dear Mr. Pencille:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review

filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

Gregory Pencille, #312332, Appellant,

v.

South Carolina Department of Corrections, Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

 Catherine Jamin, deputy
CLERK

cc: Christina Catoe Bigelow, Esquire

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APR 28 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson, III, Administrative Law Judge

Case no. 26-ALJ-04-0035-AP

GREGORY PENCILLE

Appellant

V.

South Carolina Department of Corrections

Respondent

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MAY 12 2026

SC Court of Appeals

NOTICE OF APPEAL

Comes now, GREGORY PENCILLE, Appellant Pro Se who appeals the premature decision of the Honorable Ralph K Anderson III dated April 2nd, 2026. Appellant received a copy of this decision on April 7th, 2026. A copy of the Order and an envelope is enclosed. Also, Appellant's application to proceed Informa Pauperis Is enclosed to this court.

April 28, 2026



Gregory Pencille #312332

Evans CI F1B-118

610 Hwy 9 west

Bennettsville SC 29512

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APR 28 2026

APPEAL FROM THE ADMINISTRATIVE LAW COURT

SC Court of Appeals

Ralph K. Anderson, III, Administrative Law Judge

Case no. 26-ALJ-04-0035-AP

GREGORY PENCILLE

Appellant

V.

South Carolina Department of Corrections

Respondent

PROOF OF SERVICE

I hereby certify that on 20 day of April, 2026 in Bennettsville, South Carolina Appellant served the NOTICE OF APPEAL and MOTION TO PROCEED IN FORMA PAUPERIS to ALL parties by depositing a copy of the same in the United States mail, postage prepaid, or in the mailroom of the undersigned's institutional mailroom addressed as follows;

• SCDC
General counsel
P. O. Box 21787
Columbia SC 29221

S.C.A.L.C.
Hon. R. K. Anderson III
1205 Pendleton St Suite 224
Columbia SC 29201

April 20, 2026

Gregory Pencille #312332
Evans CI F1B-118
610 Hwy 9 west
Bennettsville SC 29512

SWORN or affirmed to and subscribed before

Me this 20 day of April, 2026

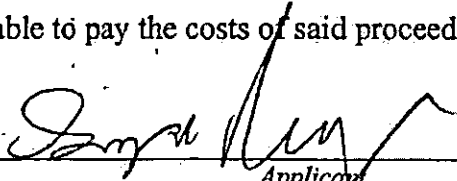
(Notary Public)

My commission Expires: 2/28/34

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF


I, Gregory Penick, hereby apply for leave to
proceed in this action without prepayment of fees or costs or security therefor. In support of my
application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this

20 day of April


Notary Public

My Commission Expires: 2/28/34

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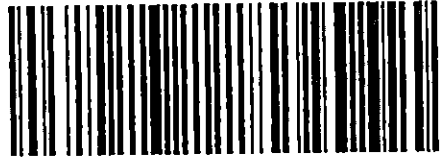
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SC Court of Appeals

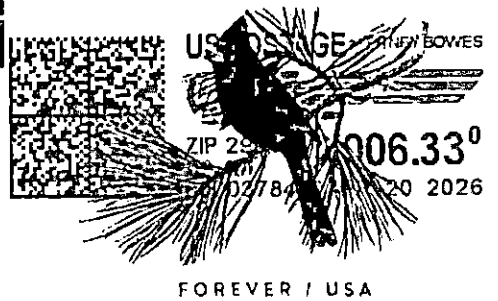
reg of Penite 312332
Evans of FIB
510 Hwy 9 west
Bennettsville SC 29572

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL

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APR 28 2026

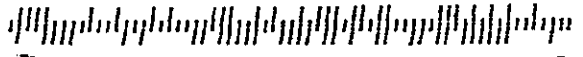
Jenny A. Kitchings, Clerk

SC Court of Appeals S.C. Court of Appeals

P.O. Box 11629

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SC Court of Appeal

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Gregory Pencille, #312332,)
)
 Appellant,)

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

v.)

ORDER OF DISMISSAL

South Carolina Department of Corrections,)
)
 Respondent.)

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

FILED

04/02/2026

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).

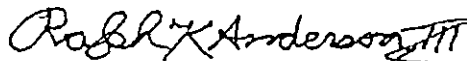
For the purpose of establishing jurisdiction, a state-created liberty or property interest generally exists when (1) an inmate is disciplined and punishment is imposed or (2) when an inmate alleges prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. *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.

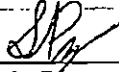


Ralph King Anderson, III
Chief Administrative Law Judge

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

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SC Court of Appeals

MP

GREGORY PENCILLE, 00312332
EVANS CORRECTIONAL INSTITUTION
610 HIGHWAY #9, WEST
BENNETTSVILLE SC 29512

NIXTE 274 SE 18CU 6285/07/26

RETURN TO SENDER
NO MAIL RECEIPT
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SC: 2921162929 2027N117132-00417