

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Michael Thomas, #329390,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 26-ALJ-04-0276-AP
Grievance No. MCCI 0066-26

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed on April 28, 2026, by Michael Thomas (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department). This case was assigned to the undersigned on May 14, 2026.

On January 28, 2026, Appellant filed a Step 1 Grievance, alleging that he was being denied access to the law library. On March 2, 2026, the Department denied Appellant's Step 1 Grievance. Thereafter, Appellant filed a Step 2 Grievance, which was denied on April 1, 2026. This appeal followed. On June 4, 2026, Appellant filed his initial brief. On June 24, 2026, the Department filed a Motion to Dismiss (Motion), 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.¹

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. Recently, the court further clarified that while the ALC has jurisdiction over all inmate grievance appeals, it is "not required to hold a hearing in

¹ As an additional ground for dismissal, Appellant's failure to timely file a response may be deemed a consent to the relief sought in the Department's Motion. *See* Rules 7 and 61, SCALCR.

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every matter and may summarily dismiss an inmate's grievance if it does not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees." *Allen v. S.C. Dep't of Corr.*, 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023).

To trigger due process guarantees and judicial review, "an inmate's complaint must encompass an infringement of a liberty interest that imposes an atypical and significant hardship on the inmate." *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 274, 633 S.E.2d 910, 914 (2006). 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 v. S.C. Dep't of Corr.* 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003) (applying *Sandin* to resolve a "condition of confinement claim").

In this matter, Appellant's appeal is based upon his assertion that he is being denied access to the law library. The Department indicated this matter was investigated at the Step 1 Grievance level. Specifically, the Department asserted that Appellant was then housed in a restricted movement dormitory with controlled movement schedules pursuant to SCDC Policy OP-22.08, "Controlled Inmate Movement."² Moreover, the Department noted that Appellant was not denied access to the law library resources, and Westlaw was available to Appellant via his tablet. When reviewing inmate grievance appeals, this Court generally takes a hands-off approach when dealing with internal prison matters unless the alleged infringement involves an inmate's constitutionally protected rights. See *Al-Shabazz*, 338 S.C. at 382, 527 S.E.2d at 757 (2000). Further, as asserted in the Department's Motion, Appellant's claim does not pertain to (a) erroneously calculated sentence, sentence-related credits, or custody status nor; (b) any other state-created liberty or property interest. Appellant's appeal does not allege a deprivation of a state-created liberty or property interest, nor has he claimed a significant hardship which reaches constitutional dimensions. As such, the Court concludes that summary dismissal is appropriate in this case. See *Allen*, 439 S.C. at 170-71, 886 S.E.2d at 674 (2023) (summary dismissal appropriate where the inmate's grievance does not implicate a state created liberty or property interest.).

² The Court takes judicial notice of the Department's publicly available policies.

ORDER

IT IS THEREFORE ORDERED that the Department's Motion to Dismiss is **GRANTED**, and this appeal is **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.

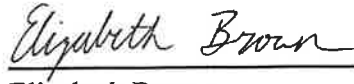
Crystal M. Rookard

The Honorable Crystal M. Rookard
South Carolina Administrative Law Judge

July 10, 2026
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Elizabeth Brown, 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).

A handwritten signature in cursive script that reads "Elizabeth Brown". The signature is written in black ink and is positioned above a horizontal line.

Elizabeth Brown
Judicial Law Clerk

July 10, 2026
Columbia, South Carolina