

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Case No. 2025-001423

James Edward Johnson, Jr. #353643,

Appellant

v.

South Carolina Department of Corrections,

Respondent.

AMENDED RECORD ON APPEAL

James Edward Johnson, Jr., SCDC #353643

Evans Correctional Institution

610 Highway 9 West

Bennettsville, SC 29512

Appellant, *Pro Se*

RECEIVED

SEP 09 2026

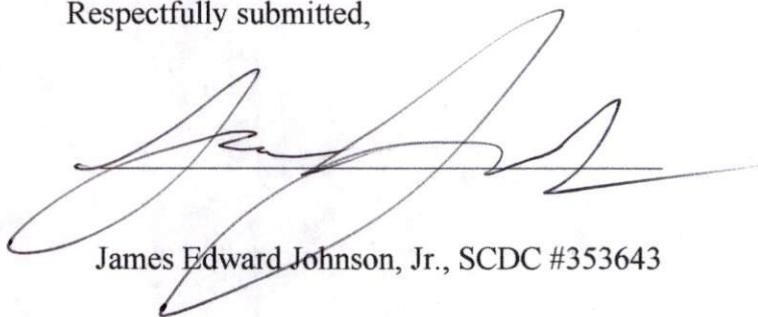
SC Court of Appeals

LIST OF DOCUMENTS

RESPONSE TO MOTION TO DISMISS/ MOTION FOR SUMMARY JUDGMENT....	2 pages
MOTION TO AMEND	1 page
MOTION FOR INJUNCTION	2 pages
ORDER OF DISMISSAL	5 pages
APPELLANT'S LETTER ON AUTHORITY	1 page
RESPONDENT'S MOTION TO DISMISS	3 pages
POWER OF ATTORNEY	8 pages

Respectfully submitted,

August 31, 2026



James Edward Johnson, Jr., SCDC #353643

Evans Correctional Institution

610 Highway 9 West

Bennettsville, SC 29512

Appellant, *Pro Se*

State of South Carolina
in the Administrative Law Court

James Johnson, #353643,	)	Docket No.: 24-ALJ-04-0618-AP
	)	[Grievance No.: MCCI 296-24]
Appellant,	)	
	)	<i>Hon. Robert L. Reibold</i>
v.	)	
	)	
South Carolina Department of Corrections,	)	RESPONSE TO MOTION TO
	)	DISMISS/ MOTION FOR SUMMARY
Respondent.	)	JUDGMENT
	)	

The Appellant, James Edward Johnson, Jr., hereby in response to the Motion to Dismiss by the Respondent, South Carolina Department of Corrections, asks the court to deny the motion for the following reasons:

RESPONSE TO MOTION TO DISMISS

The Appellant agrees that the standard of review is correct in the fact that the "liberty" interest is required under procedural due process of the Fourteenth Amendment. The Appellant also agrees that without a state-created liberty interest, the court should dismiss the case. However, unfortunately for the Respondent, the Appellant does not agree with their idea of liberty as it pertains to the issue.

The traditional conception of liberty refers to freedom from physical restraint or confinement. Freedom from confinement is one aspect of the liberty interest that the Due Process Clause protects, but the Supreme Court has also construed the liberty interest to include other common law and statutory rights. *Allgeyer v. Louisiana*, 165 U.S. 578, 588 (1897): The 'liberty' mentioned in [the Fourteenth] amendment means, not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation; and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned.

To satisfy the requirements for the liberty interest to be "state-created," the Appellant would like point out that the action claimed in the grievance by the Appellant is in violation of the following sections of the South Carolina Code of laws:

SECTION 1-13-40. Creation of South Carolina Commission on Human Affairs.

(a) There is hereby created in the executive department the South Carolina Human Affairs Commission, to encourage fair treatment for, and to eliminate and prevent discrimination

against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State.

SECTION 1-13-20. Declaration of policy.

This chapter is an expression of the concern of the State for the promotion of harmony and the betterment of human affairs. The General Assembly declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, or disability as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual's own ability and is degrading to human dignity. The General Assembly further declares that to alleviate these problems a state agency is created which shall seek to eliminate and prevent discrimination because of race, religion, color, sex, age, national origin, or disability.

Furthermore, the Appellant requests the Court to grant the motion for summary judgment for the following:

MOTION FOR SUMMARY JUDGMENT

Summary judgment is proper when "there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law." Hawkins, 358 S.C. at 289, 594 S.E.2d at 562 (quoting Rule 56(c), SCRCP).

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

Conclusion

For the above-mentioned reason, I ask the court to grant this motion as a matter of law.

DATED this 22nd day of November, 2024.

James E. Johnson, Jr., #353643, Appellant
(signed by Karissa Ochs, PoA, Aif)

State of South Carolina
in the Administrative Law Court

James Edward Johnson, #353643,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

Docket No.: 24-ALJ-04-0618-AP

[Grievance No.: MCCI 296-24]

MOTION TO AMEND

The Appellant motions the Court under Rule 15 of the South Carolina Rules of Civil Procedure to amend the claim to include the following:

The Appellant would like point out that the action claimed in the grievance by the Appellant is in violation of the following sections of the South Carolina Code of laws

SECTION 1-13-20

SECTION 1-13-40

DATED this 22nd day of November, 2024.

James E. Johnson, Jr., #353643, Appellant
(signed by Karissa Ochs, PoA, Aif)

State of South Carolina
in the Administrative Law Court

James Johnson, #353643,	)	Docket No.: 24-ALJ-04-0618-AP
	)	[Grievance No.: MCCI 296-24]
Appellant,	)	
	)	<i>Hon. Robert L. Reibold</i>
v.	)	
	)	
South Carolina Department of Corrections,	)	MOTION FOR INJUNCTION
	)	
Respondent.	)	
	)	

I, James Edward Johnson, Jr., Appellant, hereby request for the issuance of a preliminary injunction to prevent South Carolina Department of Corrections, Respondent, from forcibly cutting my hair.

Factual Background:

On June 25, 2024, The Appellant filed a step one grievance alleging the grooming policy for male inmates violates the equal protection clause and requested that the policy be revised such that the policy is similar in nature to the grooming policy for female inmates. This grievance was investigated and denied on July 5, 2024. Therefore, on July 5, 2024, The Appellant filed a step two grievance. A step two grievance was investigated and denied on August 7, 2024. This motion constitutes a formal request for the issuance of a preliminary injunction to prevent Respondent from forcibly cutting my hair.

I believe that if Respondent is permitted to forcibly cut my hair before this dispute can be fully and fairly resolved, I will suffer irreparable harm.

My hair holds significant cultural meaning to me. Forcible cutting would cause deep emotional and spiritual distress, potentially violating my sincerely held beliefs.

My hair is a form of personal expression. Forcible cutting would be a severe violation of my bodily autonomy and self-image.

The loss of my hair will take a significant and unpredictable amount of time to regrow. This cannot be adequately compensated by monetary damages.

The emotional and spiritual harm caused by the violation of my beliefs or personal expression is profound and cannot be fully quantified or remedied after the fact and I also believe that without an injunction, I am absent any other adequate remedy at law.

STANDARD OF REVIEW

A preliminary injunction “rests within the sound discretion of the trial judge and will not be overturned unless the order is clearly erroneous.” *Atwood Agency v. Black*, 374 S.C. 68, 72, 646 S.E.2d 882, 884 (2007). “The facts alleged must be sufficient to support a temporary

injunction[,] and the injunction must be reasonably necessary to protect the rights of the moving party.” Id.

To obtain an injunction, a party must demonstrate irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy at law.” Richland County. v. S.C. Department of Revenue, 422 S.C. 292, 310, 811 S.E.2d 758, 767 (2018) (quoting Denman v. City of Columbia, 387 S.C. 131, 140, 691 S.E.2d 465, 470 (2010) (per curiam)). “In evaluating whether a plaintiff is entitled to a preliminary injunction, the court must examine the merits of the underlying case only to the extent necessary to determine whether the plaintiff has made a sufficient prima facie showing of entitlement to relief.” Compton, 392 S.C. at 367, 709 S.E.2d at 642.

Likelihood of Success on the Merits:

After a review of The Appellate claims of sexual discrimination by way of separate policy for male and female grooming standards, The Appellate believes that it is hard to fathom how a separate grooming policy for similarly-situated incarcerated persons merely because of their gender, could be lawful, acceptable policy, and/or not a violation of state and federal law.

Balance of Hardships:

The hardship to me from the forcible cutting of my hair significantly outweighs any potential hardship to Respondent from the issuance of this injunction.

The injunction may temporarily inconvenience Respondent by restricting their actions regarding my hair.

The public interest favors the issuance of this injunction.

Upholding individual rights, such as freedom of religion, bodily autonomy, protection against sexual discrimination and personal expression, is in the public interest.

Preventing violence and protecting individuals from harm is crucial for a just and orderly society.

WHEREFORE, I respectfully request that this Court issue a preliminary injunction:

Enjoining Respondent from forcibly cutting my hair in any manner.

Enjoining Respondent from taking any action that would interfere with my right to maintain my current hairstyle.

DATED this 18th day of December, 2024.

James E. Johnson, Jr., #353643, Appellant
(signed by Karissa Ochs, PoA, Aif)

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

James Johnson, #353643

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 24-ALJ-04-0618-AP

**ORDER GRANTING
MOTION TO DISMISS**

STATEMENT OF THE CASE

This matter is pending before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to an appeal filed by James Johnson¹ ("Appellant"), an inmate housed with the South Carolina Department of Corrections ("Department").

On August 25, 2024, Appellant submitted a Step 1 Grievance complaining about the Department's grooming policy. Specifically, he complained that men were required to have shaven heads while women were not. Appellant comments that "[t]his unequal treatment is intentional and/or purposeful sexually discriminatory and serves no legitimate penological interest. This policy also is a violation of the equal protection clause of the 14th amendment of the constitution of the U.S. and similar State laws." His requested action was that the "male grooming policy be revised so it would be equal to the female policy. Allowing male inmates permission to grow head hair more than one inch and similar hairstyles." The Warden denied the Step 1 Grievance on July 5, 2024 and Appellant received the decision the same day.

Appellant filed a Step 2 Grievance on July 5, 2024, restating his grievance as follows:

SCDC policy OP-22.13(1.1, 1.1.1, 1.2) are clear violations of SC 24-13-10, Article 1 section 19, and Article 8 of the US constitution, equal protections clause of the 14th amendment of the US constitution, as well as ACA/CAC standards (see OP-22.15) in that the separate grooming policy for male / female inmates is unequal, intentional and/or purposeful sexually discriminatory, and serves no legitimate penological interest. Any staff performing the forementioned conduct (see kiosk#24-03539700) is also in violation. I once again request the appropriate official to amend said

¹ The Court noted the original caption contained an incorrect inmate number for Appellant. Accordingly, the caption has been amended here to reflect the correct inmate number.



policy to allow both male / female policy to be the least obstructive for both inmates.

The Responsible Official denied the Step 2 Grievance on August 7, 2024, explaining in part that “[p]olicy revisions may be requested by SCDC Administrators, inmates are not authorized to request the same.” Appellant received that decision on August 26, 2024

On September 11, 2024, Appellant filed a Notice of Appeal. The Department filed a motion to dismiss on November 12, 2024. It argues that Appellant’s underlying grievance does not implicate a state-created liberty interest, and that dismissal is therefore appropriate pursuant to *Slezak v. South Carolina Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004).

On November 27, 2024, the Court received two documents, one purporting to be a “Response to Motion to Dismiss / Motion for Summary Judgment” and one purporting to be a motion to amend. On December 2, 2024, the Court received yet another motion from the Appellant. These documents were not initially processed because they were deemed to lack the required signature. *See* SCALC Rule 6(A) (“all documents filed with the Court shall be signed with an original signature”). While a signature appears in the signature block of these submission, the signature block reads ““(signed by Karissa Ochs, PoA, AiF).” The certificates of service accompanying these materials were also signed as follows” “Karissa M. Ochs (PoA, AiF for James E. Johnson, Jr.).” These signatures are neither the original signature of Appellant nor are they the signature of legal counsel. To date, no attorney has filed a notice of appearance in this matter on behalf of Appellant.

The Court contacted Appellant by letter regarding the deficiency. The Court subsequently received correspondence from Appellant dated May 15, 2025, in which Appellant argues that the individual who signed written submissions on his behalf holds his power of attorney. Appellant argues that pursuant to S.C. Code Sections 62-8-212(1), (2), (3), (4), (5), and (6), the holder of his power of attorney is legally authorized to take legal steps such as bringing an action or seeking an injunction. Appellant therefore asserts that his attorney in fact is authorized to sign motions and other papers in this proceeding, and that the Court should accept the filings he has submitted.

Appellant’s argument fails to distinguish between the authority to institute an action and authority to conduct the practice of law. While a power of attorney authorizes an attorney-in-fact to take actions such as instituting legal proceedings, it does not authorize a non-lawyer to act as a lawyer. To do so would be to permit an end run around the requirement that attorneys be

licensed to protect the public. Accordingly, an attorney-in-fact who signs legal pleadings pursuant to a power of attorney may commit the unauthorized practice of law. *See, e.g., Johns v. County of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997); *Weber v. Garza*, 570 F.2d 511, 514 (5th Cir. 1978); *Securities & Exch. Comm'n v. White*, No. 8:11-944-HMH-KFM, 2011 WL 1544202, at *3-4 (D.S.C. Apr.22, 2011) (noting that even if family member holds power of attorney for party, non-lawyer cannot represent pro se party without violating law regarding unauthorized practice of law); *Christiansen v. Melinda*, 857 P.2d 345, 346-49 (Alaska 1993); *Jones v. Brooks*, 97 A.3d 97, 103-04 (D.C. 2014); *In re Conservatorship of Riebel*, 625 N.W.2d 480, 481-83 (Minn. 2001); *Eby v. Johnston L. Off., P.C.*, 138 Nev. 660, 669, 518 P.3d 517, 526 (Nev. App. 2022) (inmate purported to authorize a non-lawyer to litigate a civil suit on his behalf by virtue of a power of attorney); *Fravel v. Stark Cty. Bd. of Revision*, 575, 728 N.E.2d 393, 394 (Ohio 2000) (non-attorney operating under a power of attorney engages in the unauthorized practice law when he prepares and files a complaint with a board of revision on behalf of a taxpayer); *Kohlman v. W. Pa. Hosp.*, 652 A.2d 849, 850-52 (Pa. Super. Ct. 1994); *see also* SCALC Rule 8(A); *accord* S.C. Code Ann. § 40-5-310 (2011) (“No person may practice or solicit the cause of another in a court of this State unless he has been admitted and sworn as an attorney.”)

The Court therefore concludes that Appellant’s submissions may not be considered, and the Department’s motion is presently before the Court.

DISCUSSION

The Court generally has jurisdiction to hear inmate appeals that have been properly filed and served. *See* S.C. Code Ann. § 1-23-600(D) (Supp. 2024); *Allen v. S.C. Dep’t of Corr.*, 439 S.C. 164, 170, 886 S.E.2d 671, 674 (2023) (“[T]he ALC has subject matter jurisdiction over inmate grievance appeals that have been properly filed.”); *Slezak v. S.C. Dep’t of Corr.*, 361 S.C. 327, 331 605 S.E.2d 506, 507 (2004); *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000).

However, the Court may summarily dismiss an inmate’s appeal when the appeal does not implicate “state-created” liberty or property interests. *See Slezak*, 361 S.C. at 331, 605 S.E.2d at 507 (explaining summary dismissal is appropriate when “the inmate’s grievance does not implicate a state-created liberty or property interest”); *id.* (explaining the Due Process Clause is only offended when an inmate is subjected to “atypical and significant hardships in relation to ordinary incidents of prison life” (citing *Sandin v. Conner*, 515 U.S. 472, 484 (1995))); *Skipper v. S.C. Dept.*

of Corr., 370 S.C. 267, 272-74, 633 S.E.2d 910, 913-14 (Ct. App. 2006). "Courts traditionally have adopted a 'hands off' doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters, although they must intercede when infringements complained of by an inmate reach constitutional dimensions." *Al-Shabazz*, 338 S.C. at 382, 527 S.E.2d at 757. The Department argues that no state-created liberty or property interest is affected by the Department's decision.

An inmate claiming a protected interest must have a legitimate claim of entitlement to it. *Allen v. S.C. Dept. of Corr.*, 434 S.C. 114, 118–19, 862 S.E.2d 268, 270 (Ct. App. 2021), *reh'g denied* (Sept. 8, 2021), *cert. granted* (Apr. 5, 2023), *aff'd as modified*, 439 S.C. 164, 886 S.E.2d 671 (2023). Protected liberty interests can arise from two main sources: (1) the Constitution can create a liberty interest when a condition or restraint is so egregious as to implicate the Due Process Clause itself, or (2) state law or department policy can establish a protectible liberty interest. *Bazzetta v. McGinnis*, 430 F.3d 795, 801 (6th Cir. 2005); *Allen*, 434 S.C. at 118-19, 862 S.E.2d at 270-71. South Carolina courts, however, have emphasized that the focus of the Administrative Law Court should fall on the second category – state-created liberty or property rights. *See, e.g., Allen*, 439 S.C. at 171, 886 S.E.2d at 674 (the Administrative Law Court may summarily dismiss "an inmate's grievance it does not implicate a *state-created* liberty or property interest sufficient to trigger procedural due process protection") (emphasis added); *Skipper*, 370 S.C. at 279, 633 S.E.2d at 917 ("ALC should have dismissed [inmate's] appeal given his grievance did not implicate a *state-created* liberty interest") (emphasis added). State-created liberty interests are generally limited to 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 impose atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life. *Sandin*, 515 U.S. at 484.

To assess whether a liberty interest is created under these circumstances, courts must engage in factual inquiry. *Miller v. Selsky*, 111 F.3d 7, 9 (2d Cir.1997); *see, e.g., Wright v. Coughlin*, 132 F.3d 133, 137 (2d Cir.1998); *Sealey v. Giltner*, 116 F.3d 47, 52 (2d Cir.1997) (noting the "desirability of fact-finding before determining whether a prisoner has a liberty interest in remaining free from segregated confinement"); *Brooks v. DiFasi*, 112 F.3d 46 (2d Cir.1997); *Wright v. Miller*, 973 F.Supp. 390, 394 (S.D.N.Y.1997) ("district courts are required to make

factual findings with respect to the conditions of confinement at issue in each case”); *Williams v. Keane*, No. 95 Civ. 0379, 1997 WL 527677 at 5–6 (S.D.N.Y. Aug.25, 1997) (Peck, M.J.).

Here, Appellant alleges that the Department’s grooming policy is unlawful sexual discrimination and should be revised to treat male and female inmates the same. If Appellant’s grievance is viewed as a request to compel the Department to change its policy, the grievance does not implicate a state-created liberty or property interest. Appellant has not pointed the Court to any state statute, regulation, or mandatory Department policy which would entitle him to demand the relief requested. Given that Appellant is relying on Department policies, the Court takes note that the Department’s policy GA-01.01 Policies, Publications, and Forms (Feb. 1, 2022) provides in section 8.3 that “*Employees may submit recommended changes to the Responsible Authority over said policy.*” (emphasis added). Even under this policy, employees can only make recommendations for consideration and it does not appear inmates can insist on modification of policy.²

Because the Court concludes that Appellant’s claim does not implicate a state-created interest, summary dismissal is appropriate.³

ORDER

IT IS THEREFORE ORDERED that the Department’s motion is **GRANTED** and this appeal is **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.



The Honorable Robert L. Reibold
Administrative Law Judge

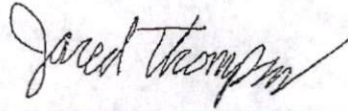
May 29, 2025
Columbia, South Carolina

² If Appellant’s grievance is viewed as a request to declare the Department’s policy unconstitutional, then the Court lacks the power to grant Appellant’s request. The Court does not have authority to rule on facial challenges to constitutionality. *See e.g., Video Gaming Consultants, Inc. v. S.C. Dep’t of Rev.*, 342 S.C. 34, 38, 535 S.E.2d 642, 644 (2000) (“ALJs have no authority to pass upon the constitutionality of a statute”); *Dorman v. Dep’t of Health and Envtl. Control*, 350 S.C. 159, 171, 565 S.E.2d 119, 126 (Ct. App. 2002) (“ALJs cannot rule on a facial challenge to the constitutionality of a regulation or statute”).

³ The Court renders no opinion on the validity or invalidity of any claims Appellant may possess under *federal* law. However, our courts have indicated that the Administrative Law Court should address only those interests which are created by state law or policy.

CERTIFICATE OF SERVICE

I, Jared Thompson, hereby certify that I have on 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).



Jared Thompson
Judicial Law Clerk

May 29, 2025
Columbia, South Carolina

Letter on Authority

Copy

to read (5) May 15, 2025, before or shortly
after that date to be transcribing

RE: Notice of Authority, Notice of Timely Filing,
and Notice of Objection to Rejected Filing (Documents
enclosed) Docket No.:

Jared

Clerk Thompson:

This is a Notice of Objection to Rejected Filing.

The letter received on May 14th, 2025
titled "Documents Rejected for filing" ^{from} what I have
understood is ^{a challenge on} the authority of the "power of Attorney" and
position of "Attorney-in-fact" ~~as no question~~ ^{regard} regarding
the endorsement, and filing of the documents, ~~it appears~~
also it seems these actions are construed as "representation".

This is the Notice of Authority pursuant to
SC code 62-8-201 and 62-8-212. the powers
~~not~~ granted under these statutes authorized endorsement,
filing, accepting services, presenting service, in litigation
etc.

This is Notice of Timely Filing ~~for the filing~~
~~that this is understood, the enclosed documents, are~~
~~entered~~ to be entered into the record as filed
timely with the original clock stamped dates Nov
22nd 2024 and Dec 20th 2024.

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

James Johnson, #353643	)	Docket No.: 24-ALJ-04-0618-AP
	)	[Grievance No.: MCCI 296-24]
Appellant,	)	
	)	<i>Hon. Robert L. Reibold</i>
v.	)	
	)	
South Carolina Department of Corrections,	)	RESPONDENT'S MOTION TO
	)	DISMISS
Respondent.	)	
	)	

STATEMENT OF THE CASE

This matter is before the Administrative Law Court ("ALC" or "Court") pursuant to the appeal of James Johnson ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC" or "Department"). On June 25, 2024, Appellant filed a Step One Grievance alleging the grooming policy for the male inmates violates the Equal Protection Clause and requests that the policy be revised such that the policy is similar in nature to the grooming policy for the females.¹ This grievance was investigated and denied on July 5, 2024. Thereafter on July 5, 2024, Appellant filed a Step Two Grievance.² The Step Two Grievance was investigated and denied on August 7, 2024. This appeal followed.

STANDARD OF REVIEW

The ALC'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). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Recently the South Carolina Supreme Court clarified the Administrative Law Court's jurisdiction as:

¹ A copy of the Step One Grievance is attached for the Court's and parties' convenience.

² A copy of the Step Two Grievance is attached for the Court's and parties' convenience.

[t]hat the ALC has subject matter jurisdiction over inmate grievance appeals that have been properly filed. (*internal citations omitted*) . . . [h]owever, the ALC is not required to hold a hearing in 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. The ALC may not grant an inmate relief from an erroneous administrative decision by SCDC, however, unless the inmate demonstrates the error deprived him of due process... (*internal citations omitted*)

Allen vs. S.C. Dep't of Corr., 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023).

"The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750 (*quoting Board of Regents of State Colleges. v. Roth*, 408 U.S. 564, 569, 92 S.Ct. 2701, 2705 (1972)). SCDC interprets *Slezak* as encouraging, for the sake of judicial economy, the ALC to summarily dismiss inmate cases that do not involve a state-created liberty or property interest. *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC "may summarily dismiss those appeals that do not implicate an inmate's *state created* liberty or property interest") (*emphasis added*). The South Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC "should" dismiss the appeal. *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

ARGUMENT

This case should be dismissed under *Slezak* and *Skipper*. This case is based on appellant's allegation that the male grooming policy is in violation of the Equal Protection Clause. *See* Step One Grievance. Appellant is requesting SCDC's grooming policy for male inmates be changed. *See* Step One and Two Grievance. Appellant has no state-created liberty or property interest in having changes made to SCDC policy. Additionally, Appellant does not claim that Respondent erroneously calculated his sentence, sentence-related credits, or custody status, and Appellant's

claim does not involve the loss of a state-created liberty interest in a major disciplinary hearing. Because Appellant's allegations do not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees this case should be dismissed.

CONCLUSION

Because the case does not implicate a state-created liberty or property interest this case should be dismissed.

Respectfully submitted,

Lauren Stevens

Lauren Stevens

Staff Attorney

South Carolina Department of Corrections

PO Box 21787

Columbia, South Carolina 29221-1787

November 8, 2024
Columbia, South Carolina

SOUTH CAROLINA DURABLE POWER OF ATTORNEY

BOOK 396 OF
Deeds
PAGE 124

I. NOTICE - This legal document grants you (Hereinafter referred to as the "Principal") the right to transfer unlimited financial powers to someone else (Hereinafter referred to as the "Attorney-in-Fact"), unlimited financial powers are described as: **all financial decision making power legal under law**. The Principal's transfer of financial powers to the Attorney-in-Fact are granted upon authorization of this agreement, and stay in effect in the event of incapacitation by the Principal (incapacitation is described in Paragraph II). This agreement does not authorize the Attorney-in-Fact to make medical decisions for the Principal. The Principal continues to retain every right to all their financial decision making power and may revoke this Durable Power of Attorney Form at anytime. The Principal may include restrictions or requests pertaining to the financial decision making power of the Attorney-in-Fact. It is the intent of the Attorney-in-Fact to act in the Principal's wishes put forth, or, to make financial decisions that fit the Principal's best interest. All parties authorizing this agreement must be at least 18 years of age and acting under no false pressures or outside influences. Upon authorization of this Durable Power of Attorney Form, it will revoke any previously valid Durable Power of Attorney Form.

II. INCAPACITATION - The powers granted to the Attorney-in-Fact by the Principal in this Durable Power of Attorney Form stay in effect upon incapacitation by the Principal, incapacitation is describes as: **A medical physician stating verbally or in writing that the Principal can no longer make decisions for them self.**

III. REVOCATION - The Principal has the right to revoke this Durable Power of Attorney Form at anytime. Any revocation will be effective if the Principal either:

- A. Authorizes a new Durable Power of Attorney Form.
- B. Authorizes a Power of Attorney Revocation Form.

IV. WITNESS & NOTARY - This document is not valid as a Durable Power of Attorney unless it is acknowledged before a notary public or is signed by at least two adult witnesses who are present when the Principal signs or acknowledges the Principal's signature. **It is recommended to have this Durable Power of Attorney Form notarized.**

FILED
GREENSBORO FILES
2024 NOV 26 A 10:14
CLERK OF COURT
COCORNICUS COUNTY, SC

V. PRINCIPAL - I, James Edward Johnson Jr., residing at
Name of Principal

90 386 Redemption Way
Street Address of Principal

City of Mccormick, State of South Carolina, appoint
City of Principal State of Principal

the following as my Attorney-in-Fact, whom I trust with any and all my financial decision making power immediately upon the authorization of this form, and in the event that I should become incapacitated:

VI. ATTORNEY-IN-FACT - Karissa Marie Ochs, residing at
Name of Attorney-in-Fact

2498 Dawn Ct
Street Address of Attorney-in-Fact

City of Love land, State of Colorado grant
City of Attorney-in-Fact State of Attorney-in-Fact

the Attorney-in-Fact the legal authority to act on my behalf for any power legal under law in regard to my financial decisions under the State of

South Carolina.
State

VII. SUCCESSOR ATTORNEY-IN-FACT (Optional) - If the Attorney-in-Fact named

above cannot or is unwilling to serve, then I appoint _____,
Name of Successor Attorney-in-Fact
residing at

Street Address of Successor Attorney-in-Fact

City of _____, State of _____ grant
City of Successor Attorney-in-Fact State of Successor Attorney-in-Fact

the Attorney-in-Fact the legal authority to act on my behalf for any power legal under law in regard to my financial decisions under the State of

State

VIII. TERMS & CONDITIONS - Upon authorization by all parties, the Attorney-in-Fact accepts their designation to act in the Principal's best interests for all financial decisions legal under law.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS,

INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING. TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT

NEED NOT, CROSS OUT EACH POWER WITHHELD.

Note: if you initial item A or item B, which follow, a notarized signature will be required on behalf of the Principal.

INITIAL

JJ (A) Real property transactions. To lease, sell, mortgage, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any interest in real property whatsoever, on such terms and conditions, and under such covenants, as my Agent shall deem proper; and to maintain, repair, tear down, alter, rebuild, improve manage, insure, move, rent, lease, sell, convey, subject to liens, mortgages, and security deeds, and in any way or manner deal with all or any part of any interest in real property whatsoever, including specifically, but without limitation, real property lying and being situated in the State of California, under such terms and conditions, and under such covenants, as my Agent shall deem proper and may for all deferred payments accept purchase money notes payable to me and secured by mortgages or deeds to secure debt, and may from time to time collect and cancel any of said notes, mortgages, security interests, or deeds to secure debt.

JJ (B) Tangible personal property transactions. To lease, sell, mortgage, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any personal property whatsoever, tangible or intangible, or interest thereto, on such terms and conditions, and under such covenants, as my Agent shall deem proper; and to maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens or mortgages, or to take any other security interests in said property which are recognized under the Uniform Commercial Code as adopted at that time under the laws of the State of California or any applicable state, or otherwise hypothecate (pledge), and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that I own at the time of execution or may thereafter acquire, under such terms and conditions, and under such covenants, as my Agent shall deem proper.

JJ (C) Stock and bond transactions. To purchase, sell, exchange, surrender, assign, redeem, vote at any meeting, or otherwise transfer any and all shares of stock, bonds, or other securities in any business, association, corporation, partnership, or other legal entity, whether private or public, now or hereafter belonging to me.

JJ (D) Commodity and option transactions. To organize or continue and conduct any business which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the

operation of any business and engage, compensate and discharge business managers, employees, agents, attorneys, accountants and consultants; and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability.

II (E) Banking and other financial institution transactions. To make, receive, sign, endorse, execute, acknowledge, deliver and possess checks, drafts, bills of exchange, letters of credit, notes, stock certificates, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of banks, savings and loans, credit unions, or other institutions or associations. To pay all sums of money, at any time or times, that may hereafter be owing by me upon any account, bill of exchange, check, draft, purchase, contract, note, or trade acceptance made, executed, endorsed, accepted, and delivered by me or for me in my name, by my Agent. To borrow from time to time such sums of money as my Agent may deem proper and execute promissory notes, security deeds or agreements, financing statements, or other security instruments in such form as the lender may request and renew said notes and security instruments from time to time in whole or in part. To have free access at any time or times to any safe deposit box or vault to which I might have access.

II (F) Business operating transactions. To conduct, engage in, and otherwise transact the affairs of any and all lawful business ventures of whatever nature or kind that I may now or hereafter be involved in.

II (G) Insurance and annuity transactions. To exercise or perform any act, power, duty, right, or obligation, in regard to any contract of life, accident, health, disability, liability, or other type of insurance or any combination of insurance; and to procure new or additional contracts of insurance for me and to designate the beneficiary of same; provided, however, that my Agent cannot designate himself or herself as beneficiary of any such insurance contracts.

II (H) Estate, trust, and other beneficiary transactions. To accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the legal representative of the estate of the principal; and, in general, exercise all powers with respect to estates and trusts which the principal could exercise if present and under no disability; provided, however, that the Agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the Agent unless specific authority to that end is given.

II (I) Claims and litigation. To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching my property, real or

personal, or any part thereof, or touching any matter in which I or my property, real or personal, may be in any way concerned. To defend, settle, adjust, make allowances, compound, submit to arbitration, and compromise all accounts, reckonings, claims, and demands whatsoever that now are, or hereafter shall be, pending between me and any person, firm, corporation, or other legal entity, in such manner and in all respects as my Agent shall deem proper.

JJ (J) Personal and family maintenance. To hire accountants, attorneys at law, consultants, clerks, physicians, nurses, agents, servants, workmen, and others and to remove them, and to appoint others in their place, and to pay and allow the persons so employed such salaries, wages, or other remunerations, as my Agent shall deem proper.

JJ (K) Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or military service. To prepare, sign and file any claim or application for Social Security, unemployment or military service benefits; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, military service or other state, federal, local or foreign statute or regulation; and, in general, exercise all powers with respect to Social Security, unemployment, military service, and governmental benefits, including but not limited to Medicare and Medicaid, which the principal could exercise if present and under no disability.

_____ (L) Retirement plan transactions. To contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred compensation plan and any other type of employee benefit plan); select and change payment options for the principal under any retirement plan; make rollover contributions from any retirement plan to other retirement plans or individual retirement accounts; exercise all investment powers available under any type of self-directed retirement plan; and, in general, exercise all powers with respect to retirement plans and retirement plan account balances which the principal could if present and under no disability.

JJ (M) Tax matters. To prepare, to make elections, to execute and to file all tax, social security, unemployment insurance, and informational returns required by the laws of the United States, or of any state or subdivision thereof, or of any foreign government; to prepare, to execute, and to file all other papers and instruments which the Agent shall think to be desirable or necessary for safeguarding of me against excess or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation; and to pay, to compromise, or to contest or to apply for refunds in connection with any taxes or assessments for which I am or may be liable.

IX. THIRD PARTIES - I, the Principal, agree that any third party receiving a

copy via: physical copy, email, or fax that I, the Principal, will indemnify and hold harmless any and all claims that may be put forth in reference to this Durable Power of Attorney Form.

X. COMPENSATION - The Attorney-in-Fact agrees not to be compensated for acting in the presence of the Principal. The Attorney-in-Fact may be, but not entitled to, reimbursement for all: food, travel, and lodging expenses for acting in the presence of the Principal.

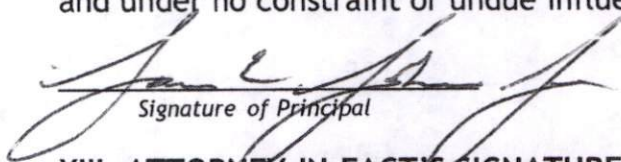
XI. DISCLOSURE - I intend for my attorney-in-fact under this Power of Attorney to be treated, as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA), 42 USC 1320d and 45 CFR 160-164

XII. PRINCIPAL'S SIGNATURE - I, James E. Johnson Jr, the Principal,
Printed Name of Principal

sign my name to this power of attorney this 16 day of

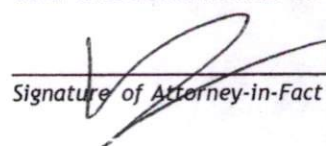
Oct and, being first duly sworn, do declare to the
Month

undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.


Signature of Principal

XIII. ATTORNEY-IN-FACT'S SIGNATURE - I, KARISSA M. Ochs
Name of Attorney-in-Fact

have read the attached power of attorney and am the person identified as the attorney-in-fact for the principal. I hereby acknowledge and accept my appointment as Attorney-in-Fact and that when I act as agent I shall exercise the powers for the benefit of the principal; I shall keep the assets of the principal separate from my assets; I shall exercise reasonable caution and prudence; and I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.


Signature of Attorney-in-Fact

NOV. 11, 2024
Date

Notary Acknowledgement (Must be completed by Notary)

State of SC County of McCormick Subscribed,
Sworn and acknowledged before me by Jame Johnson, the
Principal, and subscribed and sworn to before me by W. Vinbren,
witness, this 6th day of Oct.

[Signature]
Notary Signature

Notary Public

In and for the County of McCormick

State of SC

My commission expires: 01/12/30 Seal

Acknowledgement and Acceptance of Appointment as Attorney-in-Fact

I, KARISSA M. OLMS have read the attached power of attorney
Name of Attorney-in-Fact

and am the person identified as the attorney-in-fact for the principal. I hereby
acknowledge that accept my appointment as Attorney-in-Fact and that when I
act as agent I shall exercise the powers for the benefit of the principal; I shall
keep the assets of the principal separate from my assets; I shall exercise
reasonable caution and prudence; and I shall keep a full and accurate of all
actions, receipts and disbursements on behalf of the principal.

[Signature] NOV 11, 2024
Signature of Attorney-in-Fact Date

Acceptance of Appointment as successor Attorney-in-Fact

I, _____ have read the attached power of
Name of successor Attorney-in-Fact

attorney and am the person identified as the successor attorney-in-fact for the
principal. I hereby acknowledge that I accept my appointment as Successor
Attorney-in-Fact and that, in the absence of a specific provision to the contrary
in the power of attorney, when I act as agent I shall exercise the powers for
the benefit of the principal; I shall keep the assets of the principal separate
from my assets; I shall exercise reasonable caution and prudence; and I shall
keep a full and accurate record of all actions, receipts, and disbursements on
behalf of the principal.

Signature of Successor Attorney-in-Fact Date

Witness Attestation

I, Tyquan Jenkins, the first witness, and I Jarred Minus
Printed Name of First Witness Printed Name of Second Witness

the second witness, sign my name to the foregoing power of attorney being first duly sworn and do not declare to the undersigned authority that the principal signs and executed this instrument as him or her, and that I, in the presence and hearing of the principal, sign this power of attorney as witness to the principal's signing and that to the best of my knowledge the principal is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Tyquan Jenkins
Signature of First Witness

Jarred Minus
Signature of Second Witness