

The Supreme Court further explained the court's jurisdiction in Slezak v. South Carolina Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004). Slezak emphasized that, while the court has jurisdiction over all properly filed inmate grievance appeals, the Court is not required to hold a hearing on every matter. Id. "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state-created liberty or property interest." Id. citing Sandin v. Conner, 515 U.S. 472, 115 S.Ct. 2293 (1995).

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. SCDC v. Mitchell, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008). Consequently, the review in these inmate grievance cases is limited to the Record presented.

In this case, the return of Appellant's grievances as unprocessed is clearly not a state-created liberty or property interest. As such, this is a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedure and other internal prison matters. See Pruitt v. State, 274 S.C. 565, 266 S.E.2d 779 (1980) and Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).

THEREFORE, for the foregoing reasons, the decision appealed from is **AFFIRMED** and this appeal is **DISMISSED WITH PREJUDICE**.

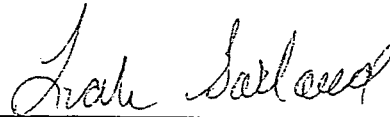


S. Phillip Lenski
Administrative Law Judge

December ¹¹, 2013
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Leah E. Garland, 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, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Leah E. Garland
Judicial Law Clerk

December 11, 2013
Columbia, South Carolina

FILED
DEC 11 2013
SC ADMIN. LAW COURT

Bostic #317727
EVANS CORR. INST.
610 HIGHWAY #9
BENNETTSVILLE, SC 29512

SOUTH CAROLINA ADMINISTRATIVE LAW COURT
EDGAR A. BROWN BUILDING, SUITE 224
1205 PENDLETON STREET
COLUMBIA SOUTH CAROLINA 29201

DATE: DECEMBER 04, 2013

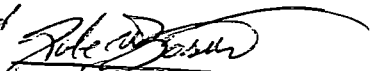
The Honorable Phillip S. Lenski
SOUTH CAROLINA ADMINISTRATIVE LAW COURT
EDGAR A. BROWN BUILDING, SUITE 224
COLUMBIA SOUTH CAROLINA 29201

PREFERENCE: INMATE ROBERT L. BOSTIC #317727, VS. SCDC
DOCKET NO: 13-ALJ-04-0489-AD

DEAR JUDGE LENSKI:

PLEASE FIND ENCLOSED A COPY OF APPELLANT'S MOTION OF DEFAULT ON THE ABOVE REFERENCED CASE. PLEASE FILE THIS MOTION IN YOUR OFFICE AND RETURN A Clocked-in COPY TO ME AT THE ABOVE ADDRESS. THANKING YOU IN ADVANCE FOR YOUR COOPERATION.

Respectfully Submitted


Robert Bostic #317727
EVANS CORR. INST.
610 HIGHWAY #9
BENNETTSVILLE, SC, 29512

cc:

FILED

DEC 05 2013

SC. ADMIN. LAW COURT

SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Robert Bostic #317727
Appellant,
vs.
South Carolina Department
of Corrections
Respondent,

CASE NO. 13-ALJ-04-0489-AP
GRIEVANCE NO. ECZ-0125-13

MOTION OF DEFAULT

HONORABLE JUDGE PHILLIP S. LENSKI

Appellant Robert Bostic respectfully request from the Administrative Law Court that the Department of Corrections June 11, 2012 898 (Possession or Attempt to Possess a Cell phone) erroneous conviction be reverse and that Appellants twenty-one (21) days loss of Good Time be reinstated due to lack of evidence and also this filed Motion of Default.

On July 17, 2013 The Honorable Administrative Law Court accepted Appellant Robert Bostic Appeal due to the above case no. 13-ALJ-04-0489-AP. On August 26, 2013 Respondent Attorney Christopher Florian filed a Motion to Dismiss Appellants Appeal failing to serve Appellant Bostic and or the Administrative Law Court with a copy of the SDC Disciplinary Hearings transcript or record as required under Rule 54 service and or proceedings that took place vs. Appellant.

On August 28, 2013 Appellant Robert Bostic pro se filed an original Pro se Brief with the Honorable Administrative Law Court Judge Phillip S. LenSKI. Appellant served Attorney for Respondents Christopher Florian with a copy of the same concerning the erroneous 898 possession or attempt to possess a cell phone conviction which resulted in a loss of twenty one (21) days of accrued Good Time.

However the Department of Corrections Attorney for Respondents Christopher Florian refuse to file an original brief with the court. Attorney Florian also refuse to file a reply brief vs. Appellant Bostic original Pro se Brief that was file with the court on August 28, 2013 for the record. On October 01, 2013 Appellant than filed a Motion of Default and Request for Reversal Along with Reinstatement of loss Good Time where Respondents fail to comply with Appellate Rules of Court Rule 58 and Rule 60.

RULE 58. RECORD AFTER FINAL DECISION: Where applicable the Record of the contested case shall consist of:

- A. All pleadings, motions, intermediate rulings and depositions filed;
- B. All evidence received or considered;
- C. A statement of matters judicially noticed;
- D. All proffers of proof of excluded evidence;
- E. The final order or decision which is subject to Administrative Review;
- F. ANY TRANSCRIPT TAKEN OF THE TESTIMONY DURING THE PROCEEDINGS.

FILED

DEC 05 2013

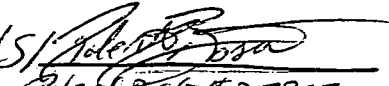
BRIEFS:

A. TIME FOR FILING BRIEFS. UNLESS OTHERWISE ORDERED THE PARTY FIRST NOTICING THE APPEAL SHALL FILE AN ORIGINAL BRIEF WITHIN SIXTY-FIVE (65) DAYS AFTER THE DATE OF ASSIGNMENT. WITHIN EIGHTY-FIVE (85) DAYS AFTER DATE OF ASSIGNMENT THE RESPONDENT SHALL FILE AN ORIGINAL BRIEF IN RESPONSE. A REPLY BRIEF MAY BE FILED WITHIN NINETY-FIVE (95) DAYS AFTER THE DATE OF ASSIGNMENT. THE PRINCIPAL BRIEF SHALL NOT EXCEED TEN (10) PAGES AND THE REPLY BRIEF SHALL NOT EXCEED FIVE (5) PAGES.

FOR THE RECORD THE ABOVE CASE NO. 13-ALJ-04-0489-AP WAS ASSIGNED ON JULY 17, 2013. RESPONDENTS NEVER FILED AN ORIGINAL BRIEF WITHIN SIXTY-FIVE (65) DAYS AS ORDERED NOR WAS A ORIGINAL RESPONSE BRIEF FILED WITHIN EIGHTY-FIVE (85) DAYS AS REQUIRED UNDER RULE 60 (a). RESPONDENT REFUSE TO FILE A REPLY BRIEF WITHIN NINETY-FIVE (95) DAYS FROM JULY 17, 2013 DATE OF ASSIGNMENT OF CASE. APPELLANT PROSE BRIEF WAS FILED ON AUGUST 28, 2013 WHICH GAVE RESPONDENTS AMPLE AMOUNT OF TIME TO FILE A REPLY BRIEF. A REPLY BRIEF WAS NEVER FILED WITH THE COURT FOR THE RECORD NOR DID RESPONDENT AT ANY TIME REQUEST FROM THE COURT A TIME ENLARGEMENT FOR ADDITIONAL TIME TO FILE A RECORD WITH THIS COURT. THIS MOTION IS BEING FILED ON DEC 04, 2013 APPROXIMATELY NINETY FIVE (95) DAYS FROM DATE OF ASSIGNMENT. THE RULES IN THIS SECTION SHALL APPLY EXCLUSIVELY IN MATTERS HEARD ON APPEAL FROM DECISIONS PURSUANT TO Al-Shabazz vs. State 338 S.C. 354, 522 S.E. 2d 742 (2000).

WHEREFORE,

APPELLANT ROBERT BASTIC RESPECTFULLY REQUESTS THAT THE HONORABLE "ALJ" PHILIP S. LEWSKI GRANT APPELLANT'S REQUESTED RELIEF DUE TO RESPONDENT'S FAILURE TO COMPLY WITH APPELLATE RULES OF COURT.

Respectfully submitted 
Robert Bastic # 317727
EVANS CORR. INST.
610 Highway A9
BENNETTSVILLE, SC, 29512

CERTIFICATE OF SERVICE

I CERTIFY WITH MY SIGNATURE UNDER A PENALTY OF PERJURY THAT A COPY OF THE SAME WAS SERVED TO ALL PARTIES BY PLACING A COPY OF THE SAME IN EVANS CORR. INST. MAIL-ROOM/MAIL BOX.

S. Robert Bastie
ROBERT BASTIE #317227

SHOWN TO AND BEFORE ME ON THIS
4th DAY OF December 2013

Dnaine JB
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES Feb 7th 2023

PAGE 3 OF 3

FILED

DEC 05 2013

SC ADMIN

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