

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

James Gunnells, 305475, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )  
)  
)

Docket No. 13-ALJ-04-0824-AP

ORDER OF DISMISSAL

**RECEIVED**

MAR 06 2014

**SC Court of Appeals**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by the Appellant above named, who is incarcerated with the South Carolina Department of Corrections (Department). The Appellant appeals the denial of his grievance in which he complains he was unjustly disciplined for the offense of threatening to inflict harm on an employee and/or member of the public. The Appellant did not lose any good time as punishment.

**DISCUSSION**

The court'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). The court's appellate jurisdiction in inmate appeals is limited to cases involving denial of state created liberty interests<sup>1</sup> 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.

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

<sup>1</sup> The Court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

**FILED**

JAN 31 2014

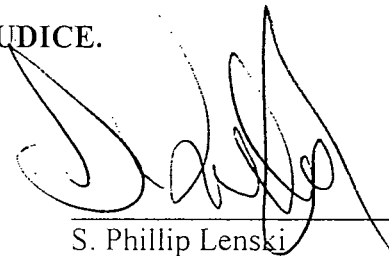
SC ADMIN. LAW COURT

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 Appellant did not lose any good time as part of his punishment and therefore his punishment does not affect 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**.



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S. Phillip Lenski  
Administrative Law Judge

January 31, 2014  
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).



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Leah E. Garland  
Judicial Law Clerk

January 31, 2014  
Columbia, South Carolina

**FILED**

JAN 31 2014

SC ADMIN. LAW COURT