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SC Court of Appeals

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Marcus Green, #241958,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No. 14-ALJ-04-0362-IJ

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant Marcus Green (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC).

Inmate contends in his brief on appeal that (1) SCDC failed to restore 90 days of good time credit subsequent to reducing his charges of Possession of Escape Tools (904) to the lower offense of Possession of Contraband (817), and (2) his maxout date was not correctly modified following the reduction of his charges and restoration of the loss of good time credits.

On July 21, 2014, SCDC filed a response to this Court's orders from May 16, 2014 and July 7, 2014, in which SCDC explains that Inmate's good time credits were restored. SCDC also explained that because Inmate's charges were only reduced to a lesser offense he was not permitted to earn credits during the month of the infraction. Furthermore, Inmate's projected maxout date was impacted by a subsequent disciplinary offense and by changes to the rate at which Inmate earned credits.

Upon review of the file, the Court finds that SCDC has properly calculated Inmate's maxout date.

Because Inmate was not sanctioned with the loss of any good time credits; (b) made no claim for the loss of any other state created liberty or property interest; and, (c) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is clearly no state created liberty interest implicated here.

FILED

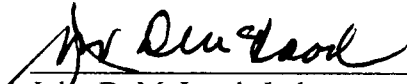
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SC ADMINISTRATIVE LAW COURT

Under Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004), the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but “Summary dismissal may be appropriate where the inmate’s grievance does not implicate a state created liberty or property interest.” Such is the case here.

Therefore, for the foregoing reasons this appeal is hereby **DISMISSED, WITH PREJUDICE.**

Columbia, S.C.
July 29, 2014



John D. McLeod, Judge
S.C. Administrative Law Court