

South Carolina Court of Appeals
Administrative Law Court Appeal

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SC Court of Appeals

OSCAR BECKER McDowell
#242647
Plaintiff

Notice of Appeal

Docket No:
14-ALJ-040956-AP
Conference No.
PCI 0363-14

Administrative Law Court
South Carolina Department of Corrections
Defendants

I am appealing the Administrative Law Courts decision to dismiss my case for not having a state created liberty interest in being in the general population and a right to due process.

The Special Management Unit (SMU) at Perry Correctional Institution (PCI) is far more restrictive and oppressive than the Maximum Security Unit (MSU) at Kirkland Correctional Institution (KCI). According to: Wilkinson v Austin, 545 US 223-224 "prisoners have a right to not be transferred to a 'supermax' without just cause". The conditions difference between the general population and the SMU at PCI is far more severe than the difference between the general population and the MSU at KCI. Therefore I do have a state created liberty interest in the general population versus the SMU at PCI.

Furthermore My due process rights have been violated
by the SCDC for not allowing me a Disciplinary hearing.
Also the Administrative Law Court did err in dismissing
my case without ever allowing the filing of Grievance

MCD

OSCAR BEECHER McDowell
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Melzer, SC 29669

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SC Court of Appeals

Certificate of Service

This is to certify that the undersigned has this date
served this Appeal in the above action upon all parties
to this cause by depositing a copy hereof, in the United
States mail, postage paid or in the interagency mail service
addressed to the parties or their attorneys
This 18th day of November 2014

MCD

OSCAR McDowell

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Administrative Law Court Appeal

OSCAR BEECHER McDowell

#242647

Plaintiff

Administrative Law Court
South Carolina Department of Corrections

Defendants

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Docket No.

14-ALJ-04-0956-AP

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Grievance No.

PCI 0363-14

PCI 0364-14

PCI 0414-14

I am appealing the Administrative Law Courts decision to dismiss my cases for not having a state created liberty interest in being in the general population and a right to due process.

The Special Management Unit (SMU) at Perry Correctional Institution (PCI) is far more restrictive and oppressive than the Maximum Security Unit (MSU) at Kirkland Correctional Institution (KCI). According to Wilkinson v. Austin, 545 US 223-224 "Prisoners have a right to not be transferred to a "supermax" without just cause". The conditions difference between the general population and the SMU at PCI is far more severe than the difference between the general population and the

MSU at KCI. Therefore I do have a State created liberty interest in the general population versus the SMU at PCI

Furthermore My due process rights have been violated by the SCDC for not allowing a disciplinary hearing. Also the Administrative Law Court did err in dismissing my cases without even allowing the filings of the SMOETs

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SC Court of Appeals

Certificate of Service

This is to certify that the undersigned has this date served this Appeal in the Above Action upon all parties to this cause by depositing a copy here of, in the United States Mail, postage paid or in the interagency mail service addressed to the parties or their Attorneys this 18th day of November 2014

Oscar McDowell

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