

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

George Cleveland, III, #357770,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 14-ALJ-04-0771-AP

Grievance No.: ECI 221-14

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to the Notice of Appeal filed September 16, 2014 by George Cleveland, III (“Appellant”), who is incarcerated with the South Carolina Department of Corrections (“SCDC”).

Appellant appeals the decision of SCDC in a dispute raised by Appellant regarding the calculation of his sentence-related good time credits and appropriate max out date. Though the Appellant discusses calculation of sentence-related credits, Appellant is not appealing a decision that affected his credits; rather, he is addressing how SCDC is calculating such credits and raising issue with how SCDC staff is trained. SCDC’s Step 2 Grievance decision indicates that he was not sanctioned with the loss of any good-time credits, nor does Appellant make a claim for the loss of any other state-created liberty interest. There is no state-created liberty interest in the loss of opportunity to earn additional good-time credits. Howard v. S.C. Dep’t of Corr., 399 S.C. 618, 733 S.E.2d 211 (2012); see also S.C. Code Ann. § 1-23-600 (D) (2012).

On its face, it appears that Appellant is arguing that his sentence has been calculated incorrectly and, in some way, he may be presenting such an argument. However, upon examining all of his materials presented, Appellant is actually presenting argument that the Department’s method of calculation as a whole is incorrect¹, and that their staff is improperly trained² and ignorant of the law³. In his brief, Appellant appears to argue for different methods of calculation of good time credits, and avers that the Department should follow one of the schemes that he has developed⁴. Appellant further alleges that the days that he has lost due to disciplinary actions are not at issue here.⁵

¹ Appellant’s Brief p. 18.

² Appellant’s Brief p. 15, 17.

³ Appellant’s Brief p. 10.

⁴ Appellant’s Brief p. 11-13.

⁵ Appellant’s Brief p. 16.

FILED

JAN 15 2015

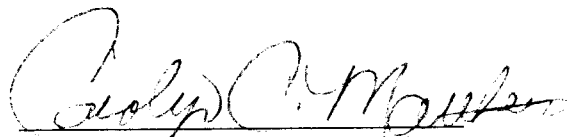
SC ADMIN. LAW COURT

The totality of these arguments present an issue upon which this Court cannot rule. It is not within this Court's jurisdiction to decide how sentences are calculated pursuant to statute and, because the Appellant is not specifically arguing that his sentence is improperly calculated, this issue does not fall under one of the exceptions regarding jurisdiction as found in the canon of cases regarding ALC jurisdiction over inmate cases, including *Sullivan vs. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003).

Under *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004), the ALC is to have jurisdiction of all properly perfected inmate appeals but "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." *Id.* at 331, 605 S.E.2d at 508. Such is the case present. It is therefore,

ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**

AND IT IS SO ORDERED.



CAROLYN C. MATTHEWS
Administrative Law Judge

January 15, 2015
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date conveyed the order in this case as filed to the appellant by certified mail, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

This 15 day of January 15
BY [Signature]
Administrative Law Judge