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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Jamie Leamon, #244584,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)

Docket No. 15-ALJ-04-0143-AP

ORDER OF DISMISSAL

This matter comes before the South Carolina Administrative Law Court (ALC) pursuant to the appeal of Jamie Leamon, an inmate incarcerated with the South Carolina Department of Corrections (SCDC or Department).

BACKGROUND

The Appellant filed a Step 1 grievance on July 15, 2014, stating that he was filing a "policy grievance," claiming that a recent change in Department policy regarding Possession of a Cell Phone or Other Type of Communication Device (898) SCDC OP-22.14, Inmate Disciplinary System, was unconstitutional. The warden denied the grievance, and advised the Appellant that Department policy could not be changed through the grievance process, and that the Appellant should contact his grievance coordinator and obtain the appropriate forms. The Appellant filed a Step 2 grievance on August 6, 2014, and was denied on March 16, 2015. On March 16, 2015, the Appellant filed a Notice of Appeal, contending that the policy was unconstitutional. The Appellant received no loss of good time.

On June 26, 2015, the Department filed a Motion to Dismiss this appeal. On July 6, 2015, the Appellant filed a Reply, indicating that he would stipulate to his disciplinary conviction of October 23, 2007, in exchange for his illegally seized good time of 2,680 days.

DISCUSSION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the Court held that the ALC's jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials

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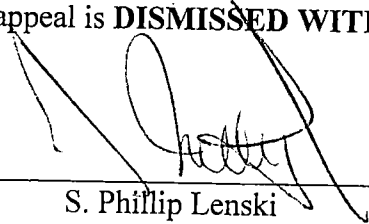
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SC ADMIN. LAW COURT

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.* at 382; 527 S.E.2d at 757. "The only way for the [ALC] to obtain subject matter jurisdiction over [an inmate's] claim is if it implicates a state-created liberty interest." *Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127. Thus, in *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), cert. denied, 544 U.S. 1033, 125 S.Ct. 2266, 161 L.E.2d 1060 (2005), our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate "where the inmate's grievance does not implicate a state-created liberty or property interest." See also *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) (finding dismissal of inmate's appeal appropriate because his grievance did not implicate a state-created liberty interest). Because the Appellant has not otherwise alleged a deprivation of a state-created liberty or property interest in this matter, the Court finds that summary dismissal is appropriate.

Accordingly,

IT IS HEREBY ORDERED that this appeal is **DISMISSED WITH PREJUDICE.**
AND IT IS SO ORDERED.

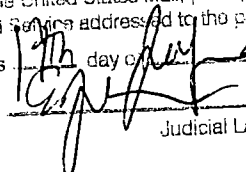


S. Phillip Lenski
Administrative Law Judge

July 17, 2015
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled 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 party(ies) or their attorney(s).

This 17th day of July, 2015
By: 

Judicial Law Clerk