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STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

SC Court of Appeals  
*Exhibit*

Tyrone Roberson, #191327, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )  
)

Docket No. 15-ALJ-04-0256-AP

ORDER OF DISMISSAL

FILED

OCT 13 2015

SC ADMIN. LAW COUR

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant above named, who is incarcerated with the South Carolina Department of Corrections (SCDC). Appellant appeals the denial of his grievance in which he requested his custody status be changed from Security Detention.

There is no contention by Appellant that he has lost good time or failed to earn good time or that his sentence, sentence related credits or custody status have been erroneously calculated.

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.

Al-Shabazz has recently been underscored by Furtick v. S.C. Dep't of Corr., 374 S.C. 334, 649 S.E.2d 35 (2007).

S.C. Dep't of Corr. v. Mitchell, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008), cites Furtick, as follows:

Furtick holds that when an inmate's grievance to an ALC does not implicate a state created liberty or property interest, the ALC **may** (emphasis in

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

EXHIBITS

original) summarily dismiss the appeal at its discretion. Thus, the ALC clearly had subject matter jurisdiction to hear Mitchell's appeal. Although the ALC could have addressed whether Mitchell's claim implicated a liberty or property interest, and thus could have summarily dismissed the case if it determined Mitchell's claim did not, the ALC chose not to, and heard the appeal. Under Furtick, this was in the ALC's discretion.

S.C. Dep't of Corr. v. Mitchell, 377 S.C. at 259, 659 S.E.2d at 235.

When reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Al-Shabazz, 388 S.C. at 380, 527 S.E.2d at 756. Consequently, the review\* in these inmate grievance cases is limited to the Record presented.

The Fourth Circuit Court of Appeals addressed the issue of an inmate's interest in his classification level. The Fourth Circuit determined that "South Carolina law does not create a constitutionally protected liberty interest in the classifications sought by the [inmates] in this action." Slezak v. Evatt, 21 F.3d 590, 595 (4th Cir. 1994). The Fourth Circuit also noted that "so far as the federal constitution is concerned, the security and custody classification of state prison inmates is a matter for state prison-official discretion whose exercise is not subject to federal procedural due process constraints." Id. at 594.

Under Slezak v. S.C. Dep't of Corr., 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."\* There is clearly no state created liberty or property interest implicated here.

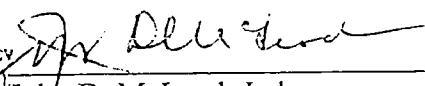
This is clearly a case in which this Court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedure and other internal prison matters. See Pruitt v. State, 274 S.C. 565, 266 S.E.2d 779 (1980) and Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) (emphasis supplied).

**THEREFORE**, for the foregoing reasons, the decision appealed from is **AFFIRMED** and this appeal is **DISMISSED WITH PREJUDICE**.

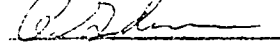
CERTIFICATE OF SERVICE

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 thereof, by the United States mail, postage paid, or in the alternative by e-mail Service addressed to the party(ies) or their attorney(s).

Columbia, S.C.  
October 13, 2015

  
John D. McLeod, Judge

This 13 day of October, 2015 S.C. Administrative Law Court

  
Clerk