

**FILED**

DEC 22 2015

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Marcus L. Watts, # 316590,

Appellant,

**Motions for Reconsideration  
are Prohibited.**

VS.

South Carolina Department of  
Corrections,

Respondent.

SC ADMIN. LAW COURT

Docket No. 15-ALJ-04-  
0606-AP

Grievance No.: PCI 21-15

MOTION TO RECON-  
SIDER AND AMEND  
THE ORDER OF DIS-  
MISSAL

Pursuant to the South Carolina Appellate Court Rules, the Appellant is moving this Court to amend and alter the Order of Dismissal that was entered in this action on the 15<sup>th</sup> day of December, 2015 under the grounds that the Judge has not made specific findings of fact nor did the Honorable Funderburk state expressly the Court's conclusions of law to each issue raised in Appellant's memorandum of law against the Respondent's Correspondence rules.

The Administrative Law Court can and should extend its jurisdiction over this particular subject due to the fact presented by and through the Appellant that, in light that general correspondence rules touch on the rights of persons not incarcerated to receive mail, the Respondent's policy is violating the Constitutional Rights of Appellant's friends and family, which would show and prove to the ALC that this is an external, as well as internal, prison matter. See Guajardo v. Estelle, 432 F. Supp. 1373 (1977); Masjid Muhammad - D.C.C. v. Keve, 479 F. Supp. 1311 (1979); Intersimone v. Carlson, 512 F. Supp. 526 (1980); and Thornley v. Edwards, 671 F. Supp. 339 (1987).

Also, the ALC erred by summarily dismissing the Appellant's grievance under Slezak v. S.C. Dep't of Corr. 361 S.C. 327 (2004) although He had properly perfected His appeal in implicating a state created liberty interest under His First Amendment Right to free speech i.e. Right to free from unjustified governmental interference with communication.

The State had created that liberty and the Respondent's policy is violating the First and Fourteenth Amendments.

The Appellant had also implicated a property interest created by and through the State by showing and proving that the Correspondence rules of the Respondent is restricting him to two one-ounce domestic letters per month and removing all references to the first 60 days that he is indigent. This is contrary to the standards established in Guajardo. Guajardo established a property interest that "prison furnish postage and stationery to indigent inmates for special and attorney correspondence and five additional letters per week without waiting period, but with right to recoup amounts expended during the first 60 days" — This standard is clearly violated by the Respondent's policy for no legitimate or rational basis (besides administrative convenience) to restrict the communication of indigent prisoners. It is arbitrary, unreasonable and unrelated to any legitimate interest in security, order or rehabilitation.

These were the state created interest the Appellant had implicated in His Original Brief to the ALC.

Seeking proper Due Process under the Fourteenth Amendment, the Appellant has shown liberty interests and proven that he should get more procedure due to him than what he is receiving.

It is therefore respectfully requested that this Court RECONSIDER the Appellant's grievance under Shomo v. City of New York, 579 F.3d 176 (2009) due to the facts that His Appeal is not "frivolous or malicious;" states a claim upon which relief may be granted; and does not seek money damages from a respondent who is immune from money damages.

Pelzer, South Carolina  
December 22, 2015

**FILED**

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SC ADMIN. LAW COURT

s/ Marcus L. Watts  
Marcus L. Watts  
Appellant