

LEGAL MAIL

MAR 15th, 2016

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RECEIVED

APR 11 2016

SC Court of Appeals

Motions for Reconsideration

are Prohibited.

See ALC Rule 65.

Sincerely

Alam Alim-Nabi Akhbari

FILED FILED

MAR 16 2016

MAR 17 2016

ADMIN. LAW COURT ADMIN. LAW COURT

Akeem Alim-Nafis Abdullah-Malik
Ridgeland Correctional Institution
5 Correctional Road
Rdigeland, South Carolina 29936

March 15th, 2016

Clerk of Court
Administrative Law Court
1205 Pendelton Street Ste 224
Columbia, S.C. 29201

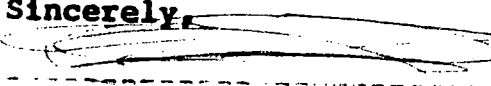
Enclosures: Motion Rehearing, & Consolidation Initial Brief &
Response to Respondants Motion To Dismiss & Evidences

Dear Clerk of Court

I have for shown cause enclosed the above listed documents for
filing, clock stamping, and a return to myself with self address[
ed] stamped envelope prepaid postage. CC; All required parties...

This 15th day of month
of March 2016 year

Sincerely,


Counsel of Record
Akeem Alim-Nafis Abdullah-
Ridgeland Correctional Inst.
5 Correctional Road
Ridgeland, S.C. 29936

PS. thank You In Advance

**ADMINISTRATIVE LAW COURT
FOR THE STATE OF SOUTH CAROLINA**

Akeem Alim-Nafis Abdullah-Malik
Appellant,

Case No. 15-ALJ-04-0611

Motion For Rehearing

&

Motion To Consolidate

v.

Pursuant

Equitable Telling

**South Carolina Dep't Corr'(s).
(SCDC) Respondants**

**SCACR 240 (i) APA, ALC
9,46,-11,17,,19, & 28.**

Comes Now, Akeem Alim-Nafis Abdullah-Malik, Appellant. (Herein after) Appellant. Appellant incarcerated in (SCDC) a pre-se litigant. Moves thi "court" pursuant to the Statutory, SCACR, SCRPC Administrative Law Court Rules, under Administrative Procedure Act, & ultimately Unites States & South Carolina Constitutions Rights Due Proccess and Equal Protections of Laws Restraint Upon Liberty of a state created liberty violation by The S.C. Dep't of Correction(s) (SCDC).

Appellant initially brough this matter before the court due to SCDC inappropriate law library impediments induced delibertely arbitray ,capricious that prevents adequate access to the court which denies due proccess and equal protections of the laws, placing this matter squarely inline with Sleazak v. SCDC 361 S.C. 327, 605 S.E.2d. 506 (2004) which authorizes and establishes original jurisdiction and the ALJ has authority to hear a

matter were jurisdiction is of avail. In addition and consistent with U.S. & S.C Const(s), that forbides restraint upon liberty and here in South Carolina , a state created liberty.

~~However the matter of artful craft was exemplified when~~
the (SCDC) respondents impeded the processing of a grievance. ~~That~~ appellant initial indicitive notions are/were that the law library was non conducive to pre-se litigants space utilization operating hours all non conducive and inconstitent to SCDC Policy GA.01.03. Appellants grievance was unprocessed prepereriously and ludicrously implemented. Appellant sought higher authority Inmate Branch Grievance Administrator intervention due to Inmate Grievance Corridinators often more than random will not, can not perform their respective duties and exemplify impartiality un bias decision when it relates to processing grievances against their peers/coworkers, even their supervisor in instances. Which was the matter instantly initiated. The Inmate Branch Grievance Administrator Order his subordinate to process the grievance and alloted a ~~polisy~~ specified time to have the matter refiled. Upon refileing the appellant case no changed ACI-0095-15, & ACI-0169-15 as matter of Record submitted by respondents. Which unartful to suggest to this "court" that ther was no state created liberty. Yet when a due process and a matter lacks equal protections of laws, causing liberty restraint. Yes in deed we have a matter of material fact that a prisoner is being impeded access to the court by not operating a law library accordingly to polisies and standard operation procedures and refused to cure or provided a alternative for a pre-se litigant incarcerated litigant.

Moreover appellant filed as the (IGBA) stipulated the respondent negated this by then stipulating that this matter was not filed in time contrary to staff witnessed and camera above the ~~evanc~~ box. As Houston v. Lack & Gordon v. Leak (cites omitted) stipulates ~~once a prisoner hand delivers or place in the hands of design~~ mail box or assigned depositing the matter is considered filed. Appellant did in deed deposit on the due date. See Record.

~~The matter was administratively closed and notice was served~~ upon appellant of his appellant rights to the ALC. As appellant stand presentation before you.

Appellant case was assigned 12/3/15 Appellant pursuant to rule 60 and extensive ongoing litigation in this "court" and multiple jurisdictions ie. federal state, civil, criminal, property courts At all levels District, Appellate, Supreme Courts. Moved for a Enlargement February 1. 2016. As of date until March 10th, 2016 received March 14th, 2016 no ruling was made to establish ~~equitable~~ tolling. SCDC Respondants not mathematical calculating and fulling understanding ALC rule 60. Motion a miscalculation of dates for initial briefing and submitted a premature motion to as a norm attempt to call in favour and side step the viable claims litigants incarcerated in SCDC. By suggesting that Al-Shabbazz and Sleazak does not provide jurisdiction of is preclude (d) in no loss of good time, erroneously calculated sentence, sentence related credits or custody matter. This premature adoption is a manifest miscarriage of justice causing miscarriage of justice and lack fundamental fairness in procedure due process Without tolling the matter Hon. Judge S. Phillip Lenski created a grave miscarriage of justice that here in stance should GRANT this REHEARING to allow Appellant to have the tolling of briefing

to have not prematurely dismissed with prejudice without hearing appellant side of appellant and the falacies of the respondants to be permitted to ongoing not cure their deficiencies in SCDC. This judgement promotes SCDC to continue to impede grievances , not be held accountable for their erroneous, fabrications, direlictions of duties and not following their own policies, as well their duties to protect and serve, to include excercise impartiality. Oposse to protecting their peers, coworkers, subordinates, supervisor. Which thats the purpose of construction of policies to insure orderly operation, not to elude, preclude via subliminal illusivness and allofness.

WHEREFORE the foregoing and Motion Attachment Title Appellant Response Motion To Respondants Motion To Dismiss & Initial Appell Brief Consolidated appellant Motiens Granting Rehearing, place a scheduling ORDER for Schedulin Conference, Hearing, and Pre Hearing Conference to settle disputes and descrepiences that has the matter of record misconstrued and matter of normal operating hrs of that law library was not conducive for pro-see litigants especially with extensive ongoing litigations. Which ultimately effected the appellants court proceding by deliberate indifferences, arbitray, capricios, actions. Exemplified by SCDC grand rush to get the matter no corrected via impeding greivances, unwilling to mofify scdc's sediment, rudiment, sense of entitlements, restraining liberty, partialilty, biasly, discrimitively, wit nor providing due process, equal protections of the laws. Men Lie, Women Lie, Number Do Not. The numbers od dismissal errenously premature out weigh adjudication and proven facts...

This 15th day March month

2002 year

Respectfully submitted,

Counsel of Record

Akem Alim-Nafis Abdullah-Malik
Ridgeland Correctional Inst.
5 Correctional Road
Ridgeland, South Carolina 29936

CERTIFICATE SERVICE

I'AM, Akeem Alim-Nafis Abdullah-Malik, certify I have deposit[ed] in the U.S. Mail Depository avail at Ridgeland Correctional Institution, Pursuant to Houston v. Lack, Gorden V. Leak (cites omitted) via prepaid postage. Original and Copy for Return, and CC: all required parties including SCDC Respondants & ~~their~~ respective represntative Counsel of Record.

Date March 15th 2002

Sincerely,

Akeem Alim-Nafis Abdullah-Malik
Ridgeland Correctional Inst.
5 Correctional Road
Ridgeland, S.C. 29936

FEB 03 2015

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COU

Akeem Abdullah-Malik, #359150,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 14-ALJ-04-0965-AP

Grievance No. KR01 243-14

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed October 28, 2014 by Akeem Abdullah-Malik, #359150 ("Appellant"), who is incarcerated with the South Carolina Department of Corrections ("SCDC"). The Department filed the record on December 22, 2014. Appellant filed a motion to enlarge or stay briefing on December 29, 2014, including a follow-up document on January 7, 2015. The Court granted an enlargement of thirty (30) days via an order dated January 9, 2015. Appellant requested another extension due to his transfer within the system, and he received another fifteen (15) days via an order dated February 13, 2015. Appellant filed his brief on February 27, 2015, along with a motion to modify or clarify issuance of subpoenas. This motion appears to deal with subpoenas issued in other courts, so this Court cannot influence or compel those organizations and hereby rules that this motion is not ripe for a substantive ruling. The Department filed its brief on March 23, 2015. Appellant filed a motion to dismiss on March 30, 2015 in which he argues, *inter alia*, that the Department is trying to sidestep the United States Constitution by urging this Court to dismiss the matter. This Court appreciates the efforts put both by both parties, especially in light of the sensitive nature of this grievance. While the Court is sympathetic to the Appellant's situation and agrees that this Court is bound by the constitutions of the State of South Carolina and the United States of America, this is not the appropriate forum to remedy his issues. Therefore, this Court is dismissing this matter pursuant to the legal authority cited below.

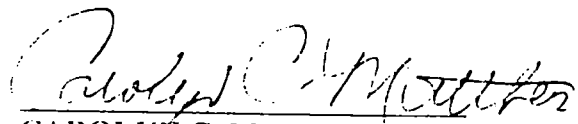
Appellant appeals the decision of SCDC in a prison disciplinary matter. SCDC's decision indicates he was not sanctioned with the loss of any good-time credits; Appellant made no claim for the loss of any other state-created liberty interest; and made no contention that his sentence, sentence-related credits, or custody status have been erroneously calculated. 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).

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 at bar. It is, therefore,

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

AND IT IS SO ORDERED.



CAROLYN C. MATTHEWS
Administrative Law Judge

April 3, 2015
Columbia, South Carolina

APR 13 2015
J. [Signature]



NIKKI R. HALLY, Gover
BRYAN P. STIRLING, Direc

February 3, 2016

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate Akeem Abdullah-Malik, #359150, vs. SCDC
Docket No. 15-ALJ-04-0611-AP

Dear Judge S. Phillip Lenski:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance ACI 169-15, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,


Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures


cc: Inmate Akeem Abdullah-Malik, #359150
File

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

Inmate Akeem Abdullah-Malik
Inmate Number: 359150
Ridgeland Correctional Institution
Dorm-Room-Bunk: GA-0020-B

Columbia, South Carolina
February 3, 2016


Cheron Hess
Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-3922

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

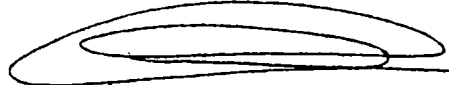
PMDD: 020618

STEP 1

INMATE NAME: <u>Akeem Alim-Nafis Abdullah-Malik</u>	OFFICE USE ONLY
SCDC NUMBER: <u>B391501 020</u>	Grievance No. <u>ACI-0169-15</u>
INSTITUTION: <u>Alhertale</u>	Unit: <u>General</u>
HOUSING UNIT: <u>Hampton F3 A18</u>	Policy: _____
WORK ASSIGNMENT: <u>Unit Manager</u>	Disc. Hear. _____
WARDEN'S OFFICE	Class. _____
ACI	PREA _____
	Received <u>04/10/15</u>
	IGC Initials <u>MS</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I AM GRIEVING THE UNPROCESSED CLOSED GRIEVANCE ACI 009515, THAT WAS CLOSED ERRONEOUSLY. THAT WAS WITNESSED BY SGT T. LAYES, THE CAMERA AT ZONE 1 ABOVE THE GRIEVANCE BOX, WAS IN FACT DEPOSITED ON MARCH 16th, 2015 ITZ DUE DATE PERIOD. HOUSTON V. LACK (CITE OMITTED) IS WITHIN THE TIME PERIODS ARE DEPOSITED IN THE BOX. NOT WHEN AN ADMINISTRATIVE AGENT STAMPED IT. NONE OF THESE APPEAL WAS ACTUALLY DEPOSITED ON MARCH 16th, 2015. THIS NON-PROCESSED EFFECTED THE LITIGANT DUE PROCESS EQUAL PROTECTION.


 A.C.C. I-257 07/15
 Grievant Signature Date
 Akeem Alim-Nafis Abdullah-Malik
 Pleinville, South Carolina

ACTION REQUESTED: Re-Instatement of Grievance Due Process & Equal Protection afforded to The Grievant. Written System Request & Petitions are Resubmitted For Scdm to modify a Active Status Level.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

In accordance with SCDC Policy GA-01.12, Inmate Grievance System, because you are grieving the performance of an Inmate Grievance Coordinator (IGC) this grievance has been forwarded to the Inmate Grievance Branch at the Step 2 Level for review and processing on April 13, 2015.

IGC Signature _____ Date _____

Nothing on
back of
Step 1

Inmate Request

Today's Date: 3/4/15 13.32

Name: ABDULLAH-MALIK, AKEEM
Booking #: SCB0022052
Permanent #: SCP0022052

Reference #: 15-445164

Date Requested: 01/28/15 17.34

Request Type: Programs

Requested By: Kiosk

Request Details: AW Williams Sir, I'AM writing to request a additional day to address my legal matters in the law library one additional day outside the unit assigned day isn't conducive for the extensive ongoing litigation pending in my matters in 5 seperate JURISIDICION FEDERAL AND STATE Sincerely, Mr Abdullah-Malik

Disposition: Complete



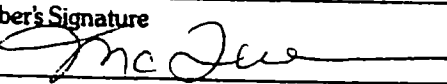
Officer:

Disposition Date: 02/02/15 10.08

Request Responses

Date	Author	Note
02/02/15 10.09	c047324	You will be seeing Ms McQueen on 2/4/15 to address your issues AW Williams

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations
ORDER TO REPORT

SCDC #	Name	Area
359130	Abdullah Malik	F3A18
REPORT TO Lawlibrary		Thurs 2/19/15 Thurs 2/26/15 \ 8-11am AT Thurs 2/5/15 / 12-3pm Thurs 3/12/15 /
Bring All Belongings <input type="checkbox"/> Bring State Clothing <input type="checkbox"/> Bring Nothing <input type="checkbox"/>		
Date	Signed	
2/12/15		
Date	Inmate's Signature	
2/12/15		
Date	Staff Member's Signature	
2/12/15		

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 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE GRIEVANCE FORM
 STEP 2

App. 13/6/15

INMATE NAME: Akeem Abdul-Malik
 SCDC NUMBER: 359150
 INSTITUTION: Allendale
 HOUSING UNIT: Hanston F3 A 18
 WORK ASSIGNMENT: Under Orders

Office Use Only
 Grievance No. ACT-0095-15
 Code: General
 Policy PL/IS
 Disc. Hear.
 Class.
 Date Received 3/18/15
 IGC Initials M5

RECEIVED

MAR 18 2015

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):
I am Appellant in this matter. As a Exhaustion of Remedies that GA. 01.03 Does not permit restricting law library hours to Pro-Se Litigants with pertinent, imminent court matters to only (1) additional day. MR LEAN ERIC not provided with Law Library. ACCESS to Courts are in fact restricted by NOT making provisions available per se Policy and not open minimum (2) days minimum per week I Appeal Pursuant to Ericane Appellant Procedures and Warden incorrect to policy and accurate response.

Grievant Signature Akeem Abdul-Malik Date 3/18/15

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

This grievance is closed because it was not returned by the due date MARCH 16, 2015.

[Signature]
 Inmate Grievance Coordinator Date 03/18/15

N/A
 Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

N/A
 Grievant Signature Date

N/A
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Rule 62 states that:

Upon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the time limits provided by this section

Here, although Appellant has filed a Notice of Appeal, pursuant to Rule 60, Appellant was required to file and serve an original brief "within ninety (90) days after the date of assignment." This case was assigned on December 3, 2015; therefore, Appellant's brief was due by March 2, 2016. Rule 62 provides that "upon motion of any party, or on its on motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure, including the failure to comply with any time limits provided by this section. R. Admin. L. Ct. 62.

Here, Appellant had an obligation to advance his position and has been given ample time to do so. Moreover, Appellant has not notified SCDC of any extenuating circumstances regarding his failure to file a brief. As of today's date, March 7, 2016, Appellant has failed to file a brief in support of his appeal.

CONCLUSION

WHEREFORE, SCDC respectfully requests the Court dismiss this appeal.

Respectfully submitted,



Kensey Collins

Staff Attorney

South Carolina Department of Corrections

4444 Broad River Road

Columbia, South Carolina 29221

(803) 896-1943

March 7, 2016
Columbia, South Carolina

grievance does not implicate a state-created liberty or property interest." *Id. citing Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293 (1995). Additionally, the South Carolina Court of Appeals has opined that where a state-created liberty interest is not implicated in a prisoner appeal, this court should dismiss the appeal. *Skipper v. S.C. Department of Corrections*, 370 S.C. 267, 633 S.E. 2d 910 (Ct. App. 2006).

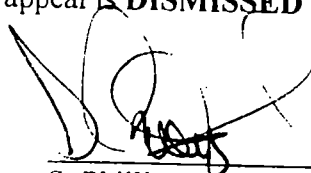
This court has no authority to interfere with the Department's individualized decisions with regard to work assignments of prisoners, or other administrative decisions, such as this. These matters involving day-to-day decisions are clearly "matters of prison administration, within the discretion of the prison administrators, and do not require fact-findings hearings as a prerequisite for the exercise of such discretion." *Altizer v Paderick*, 569 F. 2d 812, 812-813 (4th Cir. 1978). "To hold that [these discretionary decisions] are 'within the reach of procedural protections of the Due Process Clause would place the Clause astride the day-to-day functioning of state prisons and involve the judiciary in issues and discretionary decisions that are not the business of federal judges." *Id.* Likewise, such decisions are not the business of this court.

In this case, the Appellant did not lose any good time as part of a punishment and, resultingly, there was no state-created liberty or property interests at stake. As such, this is 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).

Under *Slezak v. S.C. Department of Corrections*, 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." Such is the case here.


THEREFORE, for the foregoing reasons, Motion to Enlarge Time is **DENIED** and the decision appealed from is **AFFIRMED** and this appeal is **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

March 10, 2016
Columbia, South Carolina

10th March 2016


2009 Revised Notes

After the Clerk assigns a docket number to the case, all filings must be made with the presiding administrative law judge, must be served upon all parties, and must contain the information prescribed in the Rule.

56. **Legibility of Documents.** Any document, pleading, motion, brief or memorandum or other paper filed with the Court may be typewritten or handwritten, but in either event must be legible. In the discretion of the clerk of the Court, ~~any illegible document may be returned unfiled to the party who submitted it.~~
57. **Forms.** The Court shall prescribe the content and format of forms required by these rules. The use of required forms as prescribed is mandatory. ~~The Court may also prescribe the content and format of other forms which would facilitate administrative efficiency and judicial economy.~~
58. **Record After Final Decision.** Where applicable, the record of the contested case shall consist of:
- A. All pleadings, motions, intermediate rulings and depositions filed;
 - B. All evidence received or considered;
 - C. A statement of matters judicially noticed;
 - D. All proffers of proof of excluded evidence;
 - E. The final order or decision which is subject to administrative review;
 - F. Any transcript taken of the testimony during the proceeding.
59. **Notice of Appeal.** The notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken. The notice shall be on the form prescribed by the Court pursuant to Rule 57 and shall contain the following information:
- A. the name, address, SCDC number, and telephone number of the party requesting the appeal, and the name, address, and telephone number of the attorney or other authorized representative, if any, representing that party;
 - B. a brief factual basis for each expressly and specifically asserted constitutional violation;
 - C. a copy of the final decision which is the subject of the appeal and the date received;
 - D. a certificate showing the service of the notice of appeal on all parties.

Any notice of appeal which is incomplete or not in compliance with this rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed. Within forty-five (45) days of the date the case is assigned to an Administrative Law Judge (date of assignment), the agency shall file the record with the Court, including a statement of the contents of the record, unless the time for filing the record is extended by the Administrative Law Judge assigned to the appeal.

2009 Revised Notes

The notice of appeal must be on the Court's prescribed form and must be filed and served within 30 days of receipt of the order appealed from. The notice must contain the prescribed information and must be accompanied by a certificate of service and any applicable filing fee. Notices which are not in compliance with this Rule or Rule 71 will not be assigned to an administrative law judge until all required information and applicable fees are received.

60. **Briefs.**
- A. **Time for Filing Briefs.** Unless otherwise ordered, the party first noticing the appeal shall file an original brief within sixty-five (65) days after the date of assignment. Within eighty-five (85) days after the date of assignment, the respondent shall file an original brief in response. A reply brief may be filed within ninety-five (95) days after the date of

ADMINISTRATIVE LAW COURT
FOR THE STATE OF SOUTH CAROLINA

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APR 11 2016

Akeem Alim-Nafis Abdullah-Malik
Appellant, Pro-Se

SC Court of Appeals

Case No. 15-ALJ-04-0611

v.

South Carolina Dep't Corrections
Respondant(s)

Motions for Reconsideration
are Prohibited.
See ALC Rule 65.

APPELLANT RESPONSE
TO RESPONDANTS MOTION TO DISMISS
&
INITIAL APPELLANT BRIEF CONSOLIDATED

COMES NOW, Akeem Alim-Nafis Abdullah-Malik, [HEREINAFTER],
Appellant, Pursuant to The U.S. & S.C. Const Art. § Amend &
. Sec'(s), S.C. Code Ann § 1-23-380 (A) (6), SCRCP, SCACR
applicable & Administrative Law Court Rules 9. and 46. and Its
"The Courts" inherent powers to invoke all listed aforementioned
thereto, hencenforth. Respectfully humbly patient.

STATEMENT OF CASE

The matters before you "The Court" stemmed out of initiated South
Carolina Dep't of Corr. (SCDC) due process & equal protections
of laws, restraint upon liberty, cruel unusual punishmet. By
non provisional viable means to access the courts, restricting
Law Library Hours (Hrs.) anti SCDC Policy GA.01.03 that mandates
operational hrs. 37.5 to 40 hrs per week and a minimum of (2)
two nights per week. As well prisoner (inmates) who have pending

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litigation or initiate litigation provides verifiable documents are allowed to utilize the law library during any operational hrs. Be not restricted to a assigned institutional unit provision applicable to leisure library only. As well the policy entails that legal copies are to be completed in the education department Allendale Correctional Institution (ACI) does not /did not make that provision for the appellant, caused havoc in other legal itenary ongoing litigation by the appellant in various jurisdictions. ie. U.S. Supreme Court, U.S 4th Cir Ct. of Appeals, U.S. Dist. Ct., S.C. Sup. Ct. S.C. Ct of Appeals, S.C. Common Pleas, S.C. General Sess. and S.C. Adm Law Ct. (ALC). Appellant in effort to perfect his craft, utilize his time constructively, and wisely for reintegration preparations, reformation, and educational purpose that SCDC lags behind most penal systems by not meeting those penological interest. The appellant only was attempting his Human, Civil, and Constitutional Rights to have been avail to the appellant without retaliations & reprisals However appellant has been transfered (5) times administratively seeking a institutional home that will allot provisions without disgruntle effects by an ad pro-se litigants, minister of informations That reforms a prisoner restoring appropriate order consistent with the on paper standard operational procedure and intended policy without ambiguity and utilization of policies contrary to its original intent to promote impartiality unbi. decisions, in meeting the penological interests, public safety, education, reformation/rehabilitation , and re-integration without unwarrant unnecessary impedimant as not opening the law library, allotting only 1.5 hrs per segment and only oneday per week. That precludes due process accessing the courts when the inadequacy of already antiquated droconic process amongst lack of space

LEGAL

seating capacity only 7 seats, first come first serve; conflictory with counts causing a litigant who is stuck in the area awaiting unit movement to not be permitted in the law library due to seating issues. Request to enlarge the law library were requested. However never instituted, nor a provision for a litigant as the appellant to meet imminent deadlines, nor a order to report (OTR) to accomodate such litigants whos cases were are equally essential and important. In addition only (2) two computers for a approximately 1200-1300 prisoners at ACI, no privacy work spaces, created liabilities to SCDC Privacy Act violations, SCDC illogical approach effects and affected the access to the courts. To included Bounds v. Smith, Lewis v. Casey, Ex parte Hull, and adequate law libraries. (Cites omitted) SCDC policies are non conducive with Legislative Powers, and Judicial Powers that the quasi judicial administrative agency and agents. Create conflictory policies as GA. 01.03 as gate keepers of The Executive Powers causing violations Separation of Powers Doctrine : essential with irrelevant nature to invoke what legislative and judicial intent to promote success reformation/rehabilitation, education and re-integration steps to a normal society setting. Thus causing Human, Civil, & Constitutional Protections unprotected. All to not be suspended at the arrest, jailhouse and prison doors.

Appellant initiated the instituted grievance procedure install seeking a impartial Prisoner Grievance Corrdinator Titled (IGC) only to be met with further impediment ultimately causing to the courts and frustrating appellant processes. Appellant at that interim was a new transfer into ACI provided appropriate documents that he needed to access the law library. Yet due to all administrative transfer due to appellant is a

LEGAL MAIL

litigant and very apt to hold responsibility were it lies. Administration mis-classify, misconstrue and profile, label the appellant, and the emails arrive before the appellant arrives causing impressing havoc entering and departing a institution to simply frustrate appellant legal process and litigation. To prevent appellant access to the courts, destruction of property, mixing up paper work not replacing it as they perform their respective security and contraband searches. Etc.

Appellant attest and affirm via affidavit. He infact filed timely grievance the care treated with deliberate indifference, arbitrar[y], capricious. Simply because the law library was not function[ing] based on bias policy. That limits and denies access to the courts. ACI actions caused the appellant to seek Injunctive Relief in The U.S.District Court to Access The Law Library due to deadlines there and various aforementioned jurisdiction extensive[ly] ongoing litigation. ACI no provisions cause appellant to have in a due date that was affected by transfer to ACI from Kerhaw, stemming from Turbeville ACI have a process of orientatio[n] that a new arrival with legal pending processes and litigatio[n] pending and due deadlines are effected by not opening hrs conducive with policy, no night law library, limited seating, limited research time, limited seating, only two computers per of consultation, staff unwilling to accomodate a litigant etc! etc! etc!.

Appellant grievance was file informall via kiosk number 15-445164
appellant followed up filed step 1 ACI 0095-15 as a emergency

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overstanding the importance of meeting deadline, yet ACI refuted the emergency to meet the courts and courts lack of understanding and seek to dismiss as untimely filed as so here by respondents Motion To Dismiss. However respondents miscalculation is inappellant "Onjects In Tote" Saves for further discussion in forthcoming Argument and Evidences.

ACI 0095-15 was unprocessed to protect the irregularities of the non operational hrs that SCDC Policy GA.01.03. Appellant appealed the unprocessing of grievance to Branch Grievance Admin- Branch Grievance Administrator visisted ACI and spoke directly with appellant formally in the IGC Office to settle appellant complaint to the IGC inability to hold their peers/coworkers supervisors and conflict resolve. Being they are to be impartial and held accountable the discord regardless if this may be The Head In Charge [HIC] the orderly operation of uniformity in a Corporation as a under principla of the principla holder SCDC inspite rational and logical tweeking is required based on the need of a branch of the olive tree principla holder/ A Agent can seek adjustment within discretion per under principal via conta t and principal holder here in instance SCDC Headquarters. Noting the population demand and the warranted need to tweek and keep the wheel turning in a essence. Yet access to the courts is a state created liberty when it is denied, frustrated and impeded. Appellant was instructed with IGC Smartt to process the matter. Which appellant did as directed. The matter was administartively closed after appellant was transfered again to Trenton Corr. Inst for two days, then and presently reside at Ridgeland Corr. Inst. Appellant recieved a notice and instruct to appeal to /ALC. Which appellant did an. thus have this matter

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before you presently. Wherefore ACI 15-0095-15 took on a new face plate number after refiled per Branch Grievance Administrator [r] Tindale directive to ACI-0169-15. To further complicate the the review: comprehension of the reality of impediments and confuse the courts.

Appellant then filed as directed on prior to 30 days requirement case was filed in ALC Court 11/18/15 stemming from 10/29/15 denial. The case was assigned to Hon. Judge Lenski.

Pursuant to ALC Rule 60. Time for Filing Initial Brief is (65) days, (85) days for Respondants, A Reply (95) days accordingly to SCACR Rule Book 2001 Ed. Avail to appellant at that interim prior to West Law advancement within last 3 months here at Ridgeland Corr. Inst. The mathematical equation respondent do not me correct analogy and premature for Motion To Dismiss.

Argument

Respondants as a seek to side step, duck, and elude the the Constitutional Protection even in prison. As well seek to suggest to The ALC it is not bound by The Constitution. Quite contrary to The Hon. Caryl Matthews agreement that The ALC is bound by the "Constitution of The United States and South Carolina. See Akeem Alim-Nafis Abdullah-Malik vs. SCDC 14-ALJ -04-0965-AP. SCDC General Counsel seeks to dismiss almost all prisoners in SCDC claims to validate their ludicrous, preposterous youthful thinking ideology is applicable. Only negates the protections guarantee to aver freeman and sovereign even held captive against their natural living will. As the appellant

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and deny the appellant and thus alike in this system the basic human, civil, and constitutional protections by fabrication and mathematical illuivness. Ultimately effecting reformation, /rehabilitation, education and reintegration process to assist the prisoner who presents viable claims. These actions only spoils the crops in the field and allows scdc employees to feel a sense of non expendible mentalities that keeps ineffective communications proper fertilazations, nurishment, water, and lighting to its investments and returns SCDC Commodities Human Carge. Oppose to utilizing its commodities, personnel accordingly to their unlimited performance and bid bonds. Things that make the average public tax payer go umm. Is this where my tax payers dollars go and are spent in cruel and unusual punishment, no reformation/rehabilitation, no education growth beyond GED with super low graduation rates and class space available for desired prisoners, no work training available, limited jobs, under nurishable food and limited recreations. Etc!.Etc!Etc!.

Howver some things change and some things refuse to change Deputy Director McCall, Reginal Director McKie, Nolen, and are in effer to rear march this sytem via revamping, steal sharpening steal, That of Yesterday Is Of Today with new name New and Improv [ed]. SCDC General Counsel. employed to settle dispute and save unwarranted process for ALC when applicable and viable.

Yet being pro administration /staff. They make a subliminal sugges [tion] to waste resources and judicial economy with a frivioulus miscalculation of dates to confuse the courts and the process.

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Here the case was assigned 12/3/15 Which Intial Briefing would have entailed 2/7/16 as the actual date oppose to the respondents calculations. On 2/1/16 appellant Motion To Enlarge the Briefing due to appelliant extensive litigation in various jurisdiction U.S. Supreme Court, S.C. Supreme Court, S.C. Court of Appeals, S.C. Common Pleas Court, S.C General Sessions etc. As of date appelliant has not received a Order to that Motion To Enlarge Telling the due date of 2/7/16. Appellant in Opposition Motion To Dismiss as premature and not ripe for adjudication based on motion To Enlarge is still pending.

Respondants Motion to Dismiss conflict with ALC Rule 60. Time of Filing Intial Briefs Respondants and Reply Brief. See attached copy of the rule and what was additionally provided to appellant by/via The ALC. Motion To Enlarge filed pursuant to Houston v. Lack, Leak v. Gordon (cites omitted) stating once a prisoner hand deliveries legal document to prison official for filing and service considered to be filed. As the appellant did 2/1/16 Ridgeland Correctional Inst. 5 Correctional Road/P.O. Box 2039, Ridgeland, South Carolina 29936 approx 2:00 pm with Certificate of Service to all required parties including SCDC 4444 Broad River Road, Columbia, South Carolina 29201.

Appellant at this juncture appelliant ask record entry validates appellants claim viable and relevant to not dismiss and proceed pursuant to ALC Rule 25(C), Rule 26 S.C. Code Ann. §1-23-330 and pursuant ALC Rule 27 Pre-Hearing Exchange of Evidences, and Motions Pre-Hearing Conferance. Preliminary Relief Rule 16 SCRPC 65 to not be further retaliated, issued reprisals,

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no segregations, no destruction of legal property, not be transferred unless its a Agency to Agency transfer to Federal Correctional Institution via Dept of Justice FBOP Butner, FCI II to complete this S.C. tenure, for reformation, education, and reintegration process to complete his ninth for legal analysis and appropriate warranted medical and mental health provisions. Pursuant S.C. Const. Art 12. Sec.9 in the event these matters are not negotiable appellant Motion Injunctive transfer to Veterans Administration Domicille Charlotte, N.C CBOC for adequate debriefing and preparations for reintegration back to society under Veteran Treatment Court mandates jurisdiction. For The Sele and Soul sake of Uprighteousness in an Unrighteous World and Unrighteous State of People at interims. When we've had a bad breakfast and feeling some type of way.

WHEREFORE The Appellant concludes and fuses the illusion and misinterpretation of ALC Rule 60. Appellant telling pending Motion To Enlarge never served on appellant as Order Denying appellant who exemplified viable cause in varies jurisdiction first and only Motion Filed For Enlargement. In good faith and without intential delay tactics by the appellant are grounds To Deny Respondants Motion to Dismiss Schedule hearing to assist Director Brian Sterling, et.al Deputy McCall et.al Regional Directors. Et.al Warden's see the importance of uniformity with some discretions and needs to be met by populations, locations and institution objectives and goals. For progressive directions to improve SCDC, Prison Environments, Prisoners, Public Safety, and Tax PAYERS Dollars. To even include a larger budget warrant to not be mis-appropriated and utilized for its cause. Will be

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in decriminalization a healthy productive penal and world society. That establishes in The united states and the palmetto stae of south carolina. Appellant Motions Injunctives could and would be instituted at the Judges Discretion for The 3 Time Honorable Discharged Veteran who served you, now needs service to him in a positive constructive hospitable manner ism opposite oppression unwarranted agravation and stress due to the thought process of above the law syndromes of some net all personnel of SCDC who refuse to reconize even in the penitent iary we are grandfathers, fathers, children moreover human being above misclassifications, profiles as sub-human or 3/5 of men. We too need love, nurtionering, caring, and a true means of reformation education and proper re-integration.

This 12th day Nov month

Akeem Alim-Nafis Abdullah-Malik year

Respectfully submitted

Akeem Alim-Nafis Abdullah-Malik

Counsel of Record
Akeem Alim-Nafis Abdullah-Malik
Ridgeland Correctional Inst.
5 Correctional Road

CERTIFICATE OF SERVICE

I"AM, Akeem Alim-Nafis Abdullah-Malik, certify I have deposit- in the U.S. Mail Response Motion To Dismiss & Conjunctive Initial Brief In The ALC For South Carolina last known address and CC Respondants SCDC and all required parties.

This 12th day Nov month

Akeem Alim-Nafis Abdullah-Malik year

Sincerely,

Akeem Alim-Nafis Abdullah-Malik

APR 03 2015

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT****SC ADMIN. LAW COURT**

Akeem Abdullah-Malik, #359150,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 14-ALJ-04-0965-AP
Grievance No. KRCI 243-14**ORDER OF DISMISSAL**

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed October 28, 2014 by Akeem Abdullah-Malik, #359150 ("Appellant"), who is incarcerated with the South Carolina Department of Corrections ("SCDC"). The Department filed the record on December 22, 2014. Appellant filed a motion to enlarge or stay briefing on December 29, 2014, including a follow-up document on January 7, 2015. The Court granted an enlargement of thirty (30) days via an order dated January 9, 2015. Appellant requested another extension due to his transfer within the system, and he received another fifteen (15) days via an order dated February 13, 2015. Appellant filed his brief on February 27, 2015, along with a motion to modify or clarify issuance of subpoenas. This motion appears to deal with subpoenas issued in other courts, so this Court cannot influence or compel those organizations and hereby rules that this motion is not ripe for a substantive ruling. The Department filed its brief on March 23, 2015. Appellant filed a motion to dismiss on March 30, 2015 in which he argues, *inter alia*, that the Department is trying to sidestep the United States Constitution by urging this Court to dismiss the matter. This Court appreciates the efforts put both by both parties, especially in light of the sensitive nature of this grievance. While the Court is sympathetic to the Appellant's situation and ~~agrees that this Court is bound by the constitutions of the State of South Carolina and the United States of America,~~ this is not the appropriate forum to remedy his issues. Therefore, this Court is dismissing this matter pursuant to the legal authority cited below.

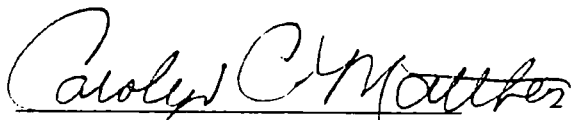
Appellant appeals the decision of SCDC in a prison disciplinary matter. SCDC's decision indicates he was not sanctioned with the loss of any good-time credits; Appellant made no claim for the loss of any other state-created liberty interest; and made no contention that his sentence, sentence-related credits, or custody status have been erroneously calculated. 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).

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 at bar. It is, therefore,

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

AND IT IS SO ORDERED.

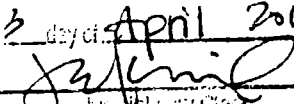


CAROLYN C. MATTHEWS
Administrative Law Judge

April 3, 2015
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the case captioned above on the parties to the case by personally delivering a copy to the parties and by first class mail addressed to the parties at their last known addresses.

This is done on the 3 day of April, 2015.

J. J. Smith
Judicial Law Clerk

Dear Appellant:

12/3/2015

Page 19

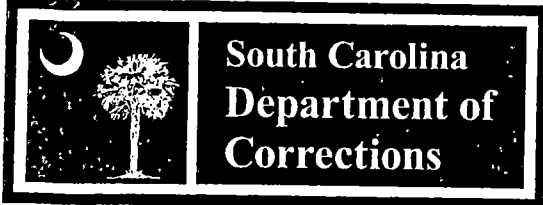
Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case number	Inmate number	Inmate first name	Inmate last name	Grievance No.	Respondent	Filing date	Date Assigned	Judge last name
15C0611	359150	AKEEM	ABULLAH-MALIK	ACI 169-15	DOC	11/18/2015	12/3/2015	LENSKI

Over file as of 12/3/15

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

FILED
DEC 03 2015
SC ADMIN. LAW COURT



NIKKI R. HALEY, Governor
BRYAN P. STIRLING, Director

February 3, 2016

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate Akeem Abdullah-Malik, #359150, vs. SCDC
Docket No. 15-ALJ-04-0611-AP

Dear Judge S. Phillip Lenski:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance ACI 169-15, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,

A handwritten signature in black ink that reads "Cheron Hess". The signature is written in a cursive style with a large, looping "H" and "S".

Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

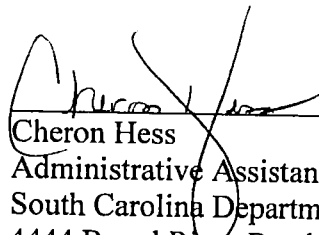
cc: Inmate Akeem Abdullah-Malik, #359150
File

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

Inmate Akeem Abdullah-Malik
Inmate Number: 359150
Ridgeland Correctional Institution
Dorm-Room-Bunk: GA-0020-B

Columbia, South Carolina
February 3, 2016


Cheron Hess
Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-3922

HILL RIGHTS RECEIVED
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECEIVED

INMATE GRIEVANCE FORM

APR 20 2015

PMDD: D2D618

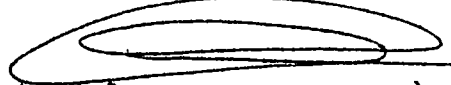
STEP 1

INMATE GRIEVANCE

INMATE NAME: <u>Akeem Alim-Nafis Ablallah-Malik</u>		OFFICE USE ONLY	
SCDC NUMBER: <u>B391507 000</u>	RECEIVED ATH APR 10 2015	Grievance No. <u>ACI-0169-15</u>	
INSTITUTION: <u>Allendale</u>		Code: <u>General</u>	<u>GR/IG</u>
HOUSING UNIT: <u>Hampton F3 A18</u>		Policy _____	
WORK ASSIGNMENT: <u>Unit Memory</u>	WARDEN'S OFFICE	Disc. Hear. _____	
	ACI	Class. _____	
		PREA _____	
		Received <u>04/10/15</u>	
		IGC Initials <u>MS</u>	<u>05/26/15</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I AM GRIEVING the UNPROCESSED CLOSED GRIEVANCE ACI 0095-15, THAT WAS CLOSED ERRONEOUSLY. THAT WAS WITNESSED BY SGT T. LAYES, THE CAMERA AT ZONE 1. ABOVE THE GRIEVANCE BOX. WAS IN FACT DEPOSITED ON MARCH 16th, 2015, ITZ DUE DATE PERIOD. HOWEVER, V. LACK (CIT OMITTED) IS WITHIN THE TIME LEGALISTIC ARE DEPOSITED IN THE BOX. NOT WHEN A ADMINISTRATIVE AGENT STAFF IT, NOR A CLEAR THIS APPEAL WAS ACTUALLY DEPOSITED ON MARCH 16th, 2015. THIS ABUSE-PROCESSED EFFECTED THE LITIGANT DUE PROCESS EQUAL PROTECTION.


 A.C.C. I-257 4715
 Grievant Signature Date
 Akeem Alim-Nafis Ablallah-Malik
 Pleinlith Appelant P1056

ACTION REQUESTED: Re-Instatement of Grievance Due Process & Equal Protection afforded to The Grievant. Without System Requested Deductions or Reservations For Scams to modify a active critic level.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

In accordance with SCDC Policy GA-01.12, Inmate Grievance System, because you are grieving the performance of an Inmate Grievance Coordinator (IGC), this grievance has been forwarded to the Inmate Grievance Branch at the Step 2 Level for review and processing on April 13, 2015/mv

IGC Signature _____ Date _____

(CONTINUE ON REVERSE SIDE)

Inmate Request

Today's Date: 3/4/15 13:32

Name: ABDULLAH-MALIK, AKEEM
Booking #: SCB0022052
Permanent #: SCP0022052

Reference #: 15-445164
Date Requested: 01/28/15 17:34
Request Type: Programs
Requested By: Kiosk




Request Details: AW Williams Sir, I'AM writing to request a additional day to address my legal matters in the law library one additional day outside the unit assigned day isn't conducive for the extensive ongoing litigation pending in my matters in 5 seperate JURISIDCTION FEDERAL AND STATE. Sincerely, Mr. Abdullah-Malik

Disposition: Complete
Officer:
Disposition Date: 02/02/15 10:08

Request Responses

Date	Author	Note
02/02/15 10:09	c047324	You will be seeing Ms. McQueen on 2/4/15 to address your issues. AW Williams

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations
ORDER TO REPORT

SCDC #	Name	Area
359130	Abdullah Melid	F3A18
REPORT TO Lawlibrary		THURS 2/19/15 8-11am Thurs 2/26/15 AT Thurs 2/15/15 12-3pm Thurs 3/12/15
Bring All Belongings <input type="checkbox"/> Bring State Clothing <input type="checkbox"/> Bring Nothing <input type="checkbox"/>		
Date	Signed	
2/12/15		
Date	Inmate's Signature	
2/12/15		
Date	Staff Member's Signature	
2/12/15		

All Rights Reserved
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 INMATE GRIEVANCE FORM

Date: 03/18/15

STEP 2

INMATE NAME: Alkeem Alim Natic Abdulh Mubale
 SCDC NUMBER: [359150] 2000
 INSTITUTION: Allendale
 HOUSING UNIT: Hampton F3 A 18
 WORK ASSIGNMENT: Unit Moderator

RECEIVED

MAR 18 2015
 (ATW)

Office Use Only
 Grievance No. ACI-0095-15
 Code: General _____
 Policy PL/15
 Disc. Hear. _____
 Class. _____
 Date Received 03/18/15
 IGC Initials M5

WARDEN'S OFFICE
 ACI

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):
I am Appellant in this matter. As a Exhaustion of Remedies. That GA: 01.03 Does not permit restricting law library hours to Pro-Se litigants with pertinent, imminent court deadlines to only (1) additional day. Mr Leon Lopez not provided in the Law Library. Access to Courts are in fact restricted by not making provisions available per se Policy and not open minimum (2) hours minimum per week I Appeal pursuant to Grievance Appellant Procedures and Warden inconsistent to policy and accurate response.

Grievant Signature Alkeem Alim Natic Date 03/18/15

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

This grievance is closed because it was not returned by the due date MARCH 16, 2015.

[Signature]
 Inmate Grievance Coordinator Date 03/18/15

 Signature N/A Date _____

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

 Grievant Signature N/A Date _____

 IGC Signature N/A Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

"ALL RIGHTS RESERVED"
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

PMDD: 020618

EMERGENCY

INMATE NAME: <u>Kevin Atton-Nahis Abdul-Malik</u> SCDC NUMBER: <u>1359150</u> INSTITUTION: <u>Allendale</u> HOUSING UNIT: <u>Hampton</u> WORK ASSIGNMENT: <u>Unit Order</u>	OFFICE USE ONLY Grievance No. <u>ACT-0095-15</u> Code: General Policy: <u>PL/IS</u> Disc. Hear. _____ Class. _____ PREA _____ Date Received: <u>02/25/15</u> IGC Initials: <u>MS</u>
---	--

RECEIVED

FEB 25 2015

WARDEN'S OFFICE
F3.178. AGI

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I Am opting to grieve Allendale Correctional Inst. (ACI) Limited Hours not applicable to Policy GA.01.03 37.5 to 40 hrs. Minimum of (2) Nighter per week. In Law Library. (2) Restricting the means for Prose Litigants to Research and Prepare Motions to only (1) Unit Day & (1) additional day. Effecting due process when a Prisoner has pertinent, imminent court deadlines that 5 hour sessions consist of 2.5 hrs per day equates to 5 hour per day totaling 10 hrs per week. Non conducive to meet requirements of prose litigants. (3) LEGAL Copies not available in Law Library Education Department. Discipline Officer for a parole Educator x 1 Day per week. Isn't applicable for extensive legal work.

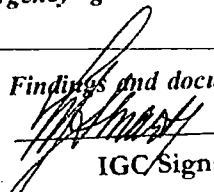
THE Grievance is ONLY ONE Non Compliance TO GA.01.03. ACCESS TO Courts. Informal CTR 2-4-14 Per. AW Williams via Education Supervisor MEMPHIS
 Wed 2-4-14. 0905 hrs. can KIOSK # 15445161 U.C.C. I-207
 Per AW Williams

ACTION REQUESTED: Law Library Hours Expanded to meet population needs. Nighter. Hours used to research. Litigate Copies of Legal material daily via Education. Without retaliation or sanctions for filing

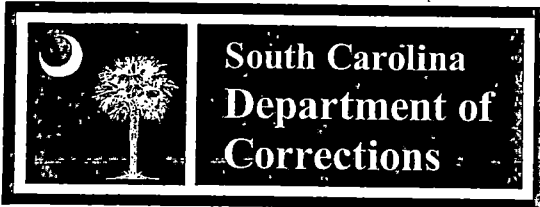
ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

The Inmate Grievance Branch has determined this is not an "Emergency" grievance and should be process through normal procedures.

Investigation completed by Inmate Grievance Coordinator (IGC). Findings and documentation forwarded to Warden for a response.


 IGC Signature _____ Date 03/05/15

(CONTINUE ON REVERSE SIDE)



NIKKI R. HALEY, Governor
BRYAN P. STIRLING, Director

March 7, 2016

The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

Reference: Inmate Akeem Abdullah-Malik, #359150, vs. SCDC
Docket No. 15-ALJ-04-0611-AP

Dear Judge Lenski:

Find enclosed an original and one copy of the *Respondent's Motion to Dismiss* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheron Hess", is written over a large, stylized number "8" that serves as a background for the signature.

Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Akeem Abdullah-Malik, #359150
File

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

Akeem Abdullah-Malik, #359150,)	Docket No.: 15-ALJ-04-0611-AP
)	[Grievance No.: ACI 169-15]
Appellant,)	
)	<i>Hon. S. Phillip Lenski</i>
v.)	
)	
South Carolina Department of Corrections,)	RESPONDENT'S MOTION TO DISMISS
)	
Respondent.)	
)	

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the appeal of Akeem Abdullah-Malik ("Appellant"). The case was assigned on December 3, 2015. Respondent, South Carolina Department of Corrections ("SCDC"), filed the record on February 3, 2016. Appellant's brief was due by March 2, 2016. As of today's date, March 7, 2016, Appellant has not filed a brief.

ARGUMENT

The ALC'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). In *Al-Shabazz*, the Supreme Court created a new avenue by which inmates could seek review of final decisions of SCDC in "non-collateral" matters, *i.e.*, matters in which an inmate does not challenge the validity of a conviction or sentence, by appealing those decisions to the ALC. *Id.* at 373, 376, 527 S.E.2d at 752, 754. The language in Rule 60 states:

Unless otherwise ordered, the party first noticing the appeal shall file an original brief within ninety (90) days after the date of the assignment. Within one-hundred-ten (110) days after the date of assignment, the respondent shall file an original brief in response. A reply brief may be filed within one-hundred-twenty (120) days after the date of assignment. The principal briefs shall not exceed ten (10) pages and the reply brief shall not exceed five (5) pages... At the time of filing the brief with the Court, one copy of the brief and any appendix shall be served on each party to the appeal.

Rule 62 states that:

Upon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the time limits provided by this section

Here, although Appellant has filed a Notice of Appeal, pursuant to Rule 60, Appellant was required to file and serve an original brief "within ninety (90) days after the date of assignment." This case was assigned on December 3, 2015; therefore, Appellant's brief was due by March 2, 2016. Rule 62 provides that "upon motion of any party, or on its on motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure, *including the failure to comply with any time limits provided by this section.* R. Admin. L. Ct. 62.

Here, Appellant had an obligation to advance his position and has been given ample time to do so. Moreover, Appellant has not notified SCDC of any extenuating circumstances regarding his failure to file a brief. As of today's date, March 7, 2016, Appellant has failed to file a brief in support of his appeal.

CONCLUSION

WHEREFORE, SCDC respectfully requests the Court dismiss this appeal.

Respectfully submitted,



Kensey Collins

Staff Attorney

South Carolina Department of Corrections

4444 Broad River Road

Columbia, South Carolina 29221

(803) 896-1943

March 7, 2016
Columbia, South Carolina