

LEGAL MAIL

MAR 15th 2015

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RECEIVED

APR 11 2016

SC Court of Appeals

Motions for Reconsideration
are Prohibited.
See ALC Rule 65.

Sincerely

Aben Alim-Nabie Akubuh

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

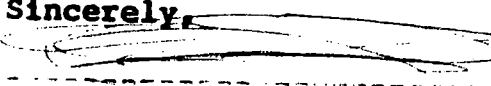
Enclosures: Motion Rehearing, & Consolidation Initial Brief &
Response to Respondants Motion To Dismiss & Evidences

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 15 day March month
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, SCRCF 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 adequeate 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 forbids 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 inconsistent to SCDC Policy GA.01.03. Appellants grievance was unprocessed preposterously and ludicrously implemented. Appellant sought higher authority Inmate Branch Grievance Administrator intervention due to Inmate Grievance Coordinators 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 allotted a ~~police~~ specified time to have the matter refiled. Upon refiling 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 polishes 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 ~~post~~evanc box. As Houston v. Lack & Gordon v. Leak (cites omitted) stipulates once a prisoner hand delivers or place in the hands or designated 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 tolling. SCDC Respondents 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 favor 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

Page 3 of 5

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 Motions 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 proceeding 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 precessions 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

1992 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 1992 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,

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

Grievance No. KRCI 243-14

Appellant,

vs.

ORDER OF DISMISSAL

South Carolina Department of Corrections,

Respondent.

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.

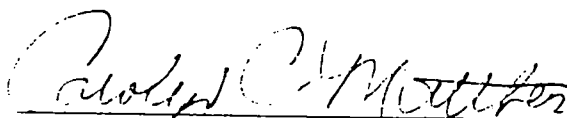
Appellant appeals the decision of SCDC in a prison disciplinary matter. SCDC's decision indicates he was not sanctioned with the loss of any good-time credits; Appellant made no claim for the loss of any other state-created liberty interest; and made no contention that his sentence, sentence-related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

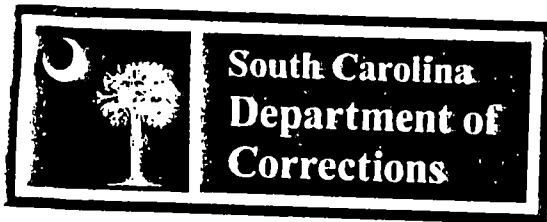


CAROLYN C. MATTHEWS

Administrative Law Judge

April 3, 2015
Columbia, South Carolina

APR 13 2015
J. L. [Signature]



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

February 3, 2016

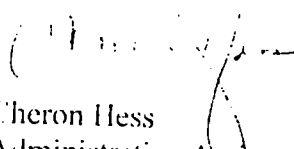
The Honorable S. Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

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,


Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

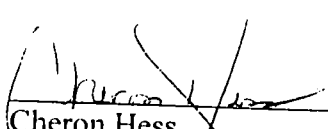
cc: Inmate Akeem Abdullah-Malik, #359150
File

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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

INMATE NAME: ANDREAS, ERIC ALLEN

SCDC NUMBER: 3377

INSTITUTION: ALLIANCE

HOUSING UNIT: 101

WORK ASSIGNMENT: _____

Office Use Only

Grievance No. 01-001

Code: General SCDC

Policy _____

Disc. Hear. _____

Class. _____

Date Received 4-22-12

IGC Initials Y:K

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

Per Policy GA-01.12, due to the time frame, this grievance was automatically forwarded to the Step 2 Level.

Grievant Signature _____ Date _____

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

According to SCDC Policy GA-01.12 "Inmate Grievance System" unprocessed grievances may only be appealed by utilizing SCDC Form 19-11, "Inmate Request to Staff Member." (RTSM) to the Branch Chief within ten (10) days of the grievance being returned to the inmate. The inmate must provide a copy of the unprocessed grievance with the RTSM. The inmate cannot file a grievance against the IGC for un-processing the grievance.

Therefore, this grievance will be administratively closed.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature]
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.

Grievant Signature _____ Date _____

IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

HII RIGHTS RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

PMDD:020618

STEP 1

INMATE NAME: <u>Akeem Alim-Nafie Abdullah-Malik</u> SCDC NUMBER: <u>B391507 020</u> INSTITUTION: <u>Alhertale</u> HOUSING UNIT: <u>Hampton F3 A12</u> WORK ASSIGNMENT: <u>Unit Manager</u>	RECEIVED ATH APR 10 2015 WARDEN'S OFFICE ACI IGC Initials <u>MS</u>
OFFICE USE ONLY Grievance No. <u>ACI-0169-15</u> Category <u>General</u> Policy <u>GR/IG</u> Disc. Hear. _____ Class. _____ PREA _____	

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. Laves. THE Camera at Zone 1. Above THE Grievance Box. Was In Fact Deposited ON March 16th, 2015 Itz Due DATE. Per Se Houston v. Lack (cite omitted). It is within the time limitations are deposited in the Box. Not when a Administrative Agent Stamp It. Nor a Check. This Appeal was actually deposited on March 16th, 2015. This Non-Processing Effected The Litigation Due Process Equal Protection.

U.C.C. I-257 4/7/15
 Grievant Signature Date
Akeem Alim-Nafie Abdullah-Malik
Plaintiff

ACTION REQUESTED: Re-Instatement of Grievance Due Process & Equal Protection afforded to The Grievant. Written System Requested. Regulations or Resolutions For Scoring to include a Active Attli 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

(CONTINUE ON REVERSE SIDE)

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 JURISIDITION FEDERAL AND STATE Sincerely, Mr. Abdullah-Malik

Disposition: Complete

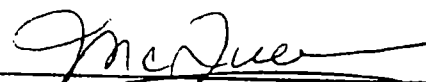
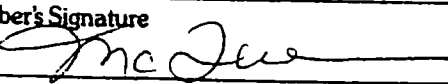
Officer:

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 A/W Williams

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations
ORDER TO REPORT

SCDC #	Name	Area
359130	Abdullah Malik	F3A18
REPORT TO <u>Law library</u>		
AT <u>Thurs 2/19/15</u> <u>8-11am</u> <u>Thurs 2/26/15</u> <u>12-3pm</u> <u>Thurs 2/5/15</u> <u>12-3pm</u> <u>Thurs 3/12/15</u>		
Bring All Belongings ☐ Bring State Clothing ☐ Bring Nothing ☐		
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

STEP 2

INMATE NAME: Akeem Abdul-Malik

SCDC NUMBER: 369150 200

INSTITUTION: Allendale

HOUSING UNIT: Horton F3 A18

WORK ASSIGNMENT: Unit Orders

RECEIVED

MAR 18 2015

WARDEN'S OFFICE

ACI

Office Use Only

Grievance No. ACT-0095-15

Code: General

Policy PL/IS

Disc. Hear.

Class.

Date Received 3/18/15

IGC Initials M5

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

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, immediate court matters to
only (1) additional day. Mr Leon Greco 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) two visits per week I Appeal Pursuant
to Ericane Appellant Procedures and Warden incorrect
to policy and accurate response.

Grievant Signature

Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

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

Inmate Grievance Coordinator

Date

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.

Grievant Signature

Date

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

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Abdullah-Malik Akeem, #359150,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 15-ALJ-04-0611-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by the Appellant, who is incarcerated with the South Carolina Department of Corrections (Department). The Appellant does not appeal a disciplinary matter, but appeals the decision of the Department to “unprocess a closed grievance.” The Appellant also filed a Motion to Enlarge Time to file his brief on February 2, 2016. The Appellant did not lose any good time as punishment for any conviction, since the Appellant’s grievance did not involve disciplinary action.

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 interests¹ 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.*

The Supreme Court further explained the court’s jurisdiction in *Slezak v. South Carolina Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004). In *Slezak*, the court emphasized that, while it has jurisdiction over all properly filed inmate grievance appeals, it is not required to hold a hearing on every matter. *Id.* “Summary dismissal may be appropriate where the inmate’s

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

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).

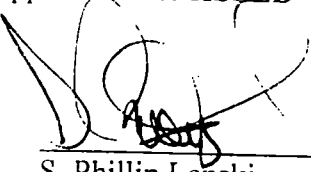
This court has no authority to interfere with the Department's individualized decisions with regard to work assignments of prisoners, or other administrative decisions, such as this. These matters involving day-to-day decisions are clearly "matters of prison administration, within the discretion of the 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

RECEIVED

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 anti 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 unbiased decisions, in meeting the penological interests, public safety, education, reformation/rehabilitation, and re-integration without unwarrant unnecessary impediment 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 draconic process amongst lack of space

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seating capacity only 7 seats, first come first serve; conflict-
ory with counts causing a litigant who is stuck in the dorm
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 lit-
igant 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, Exparte 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 reform-
ation/rehabilitation, education and re-integration steps to
a normal society setting. Thus causing Human, Civil, & Constitu-
tional 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 impedimenst 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

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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 improcessing 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 searxhes. Etc.

Appellant attest and affirm via affidavit. He infact filed timely grievance that were treated with deliberate indifference, arbitra[ry], capracious. 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 extensiv[e] 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 incon- appellant "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 tweeeking is required based on the need oi 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 transferd 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 apellant 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 Administrative [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 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. Carylen 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. Y employed to settle dispute and save unwarranted process for ALC when applicable and viable.

Yet being pre administration /staff. The make a subliminal sugges [tien] 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 appellllant 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 appellant 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 appellants 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 SCRCP 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 ninch 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 defuses 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 Scedule 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 mannerism opposite oppression unwarranted agravation and stress due to the thought process of above the law syndromes of some not 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 2nd day Nov month

Two Thousand Six Hundred Year

Respectfully submitted

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 Aug month

Surel Shalabete year

Sincerely,

~~AKHEM 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 forth 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.

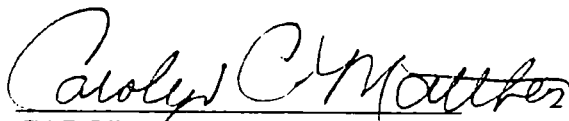
Appellant appeals the decision of SCDC in a prison disciplinary matter. SCDC's decision indicates he was not sanctioned with the loss of any good-time credits; Appellant made no claim for the loss of any other state-created liberty interest; and made no contention that his sentence, sentence-related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

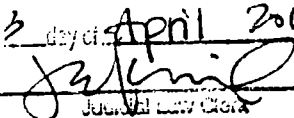


CAROLYN C. MATTHEWS
Administrative Law Judge

April 3, 2015
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the office specified below. I have prepared and caused to be prepared a copy to be posted in the inmate's prison mail address. (This is not required for a copy to be posted.)

On 3 day of April, 2015,

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

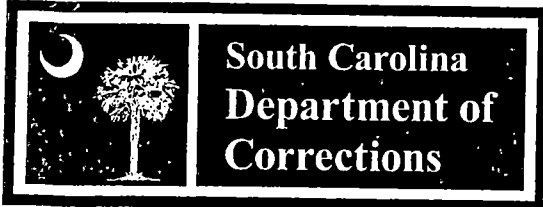
You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

FILED

DEC 03 2015

SC ADMIN. LAW COURT

Over
by
12/12/15



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,

Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

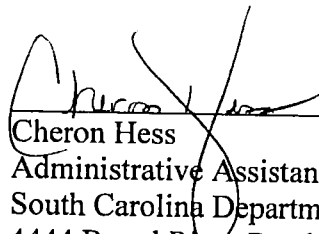
cc: Inmate Akeem Abdullah-Malik, #359150
File

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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

INMATE NAME: ABDULLAH-MWIK, AKEEN
SCDC NUMBER: 359150
INSTITUTION: ALLENDALE C.I. PCI
HOUSING UNIT: _____
WORK ASSIGNMENT: _____

Office Use Only
Grievance No. ACT-0169-15
Code: General GR/IG
Policy _____
Disc. Hear. _____
Class. _____
Date Received 4-20-15
IGC Initials MPF

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

Per Policy GA-01.12, due to the time frame, this grievance was automatically forwarded to the Step 2 Level.

Grievant Signature

Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

According to SCDC Policy GA-01.12 "Inmate Grievance System" unprocessed grievances may only be appealed by utilizing SCDC Form 19-11, "Inmate Request to Staff Member," (RTSM) to the Branch Chief within ten (10) days of the grievance being returned to the inmate. The inmate must provide a copy of the unprocessed grievance with the RTSM. The inmate cannot file a grievance against the IGC for un-processing the grievance.

Therefore, this grievance will be administratively closed.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[Signature]
Signature

10/29/15
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

Date

IGC Signature

Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

HILL RIGHTS RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

APR 20 2015

PMOD:020618

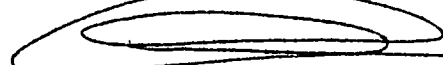
STEP 1

INMATE GRIEVANCE

INMATE NAME: <u>Akeem Alim-Nafis Abdul-Malik</u> SCDC NUMBER: <u>B391507 000</u> INSTITUTION: <u>Alkendale</u> HOUSING UNIT: <u>Hampton F3 A18</u> WORK ASSIGNMENT: <u>Unit Manager</u>	RECEIVED ATH APR 10 2015 OFFICE USE ONLY Grievance No. <u>ACI-0169-15</u> Code: <u>General</u> <u>GR/IG</u> Policy: _____ Disc. Hear. _____ Class. _____ PREA _____ Received <u>04/10/15</u> IGC Initials <u>MS</u> <u>05/26/15</u>
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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 IN 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 LEGALITIES ARE DEPOSITED IN THE BOX. NOT WHEN A ADMINISTRATIVE AGENT STAMPS IT. NOR A CLEAR THIS APPEAL WAS ACTUALLY DEPOSITED ON MARCH 16th, 2015. THIS ABUSE-PROCESSING EFFECTED THE LITIGANT DUE PROCESS EQUAL PROTECTION.


 U.C.C. 1-257 4715
 Grievant Signature Date
 Akeem Alim-Nafis Abdul-Malik
 Plaintiff Appellant

ACTION REQUESTED: Re-Instatement of Grievance Due Process & Equal Protection afforded to The Grievant. Written System Requested Reiterations or Resolutions For Scams to ending a active ortho. 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 _____

(CONTINUE ON REVERSE SIDE)

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

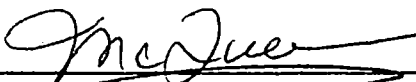
Request Details: AW Williams Sir, I'AM writing to request a additional day to address my legal matters in the law library one additional day outside the unit assigned day isn't conducive for the extensive ongoing litigation pending in my matters in 5 seperate JURISIDCTION FEDERAL AND STATE. Sincerely,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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations
ORDER TO REPORT

SCDC #	Name	Area
359130	Abdullah Malik	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 ☐ Bring State Clothing ☐ Bring Nothing ☐		
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

File: 13/1/15

INMATE NAME: Alvin Alvin Alvin Alvin
SCDC NUMBER: 369150 200
INSTITUTION: Allendale
HOUSING UNIT: Hampton F3 A 18
WORK ASSIGNMENT: Unit Manager
RECEIVED
MAR 18 2015
WARDEN'S OFFICE
ACI

Office Use Only
Grievance No. ACI-0095-15
Code: General
Policy PL/LS
Disc. Hear. PL/LS
Class. PL/LS
Date Received 12/18/15
IGC Initials M5

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 restoring law library hours to Pro-Se Litigants with permanent, imminent court deadline 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 Police and not open minimum (2) rows within per week I Appeal pursuant to Grievance Appealant Procedure and Warden inconsistent to police and accurate response
Grievant Signature Alvin Alvin Alvin Date 12/18/15

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

12/18/15
Date

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)

"All Rights Reserved"
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

PMDD:020618

STEP 1
EMERGENCY

INMATE NAME: <u>Kevin Atton-Nahis Abdul-Malik</u> SCDC NUMBER: <u>139150</u> INSTITUTION: <u>Allendale</u> HOUSING UNIT: <u>Hampton</u> WORK ASSIGNMENT: <u>Unit Clerk</u>	RECEIVED WARDEN'S OFFICE F3.118. AGI FEB 25 2015 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> <u>04/11/15</u>
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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 Pros. 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 pro-se litigants. (3) LEGAL LOANES not available in Law Library Education Department. Dismissal Officer for a parole Education 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 2-4-14. 0905 hrs. can KIOSK # _____ Grievant Signature _____ Date _____ Per AW Williams 15445161 U.C.C. I-207

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

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☐ OTHER

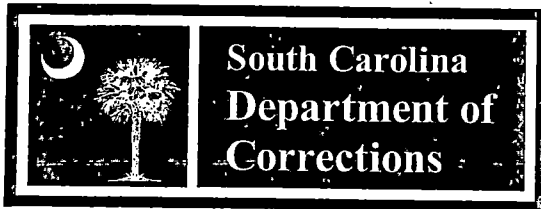
The Inmate Grievance Branch has determined this is not an "Emergency" grievance and should be process through normal procedures.

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

IGC Signature

Date

(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,

Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate Akeem Abdullah-Malik, #359150
File

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