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September 23, 2016

SEP 29 2016

S.C. SUPREME COURT

SC Supreme Court
Daniel E. Shearouse, Clerk
P.O. Box 11330
Columbia, SC 29211

~~SCDC Packet No. 16 ALJ 04 0625 AP Grievance No. KRCI-674-16~~

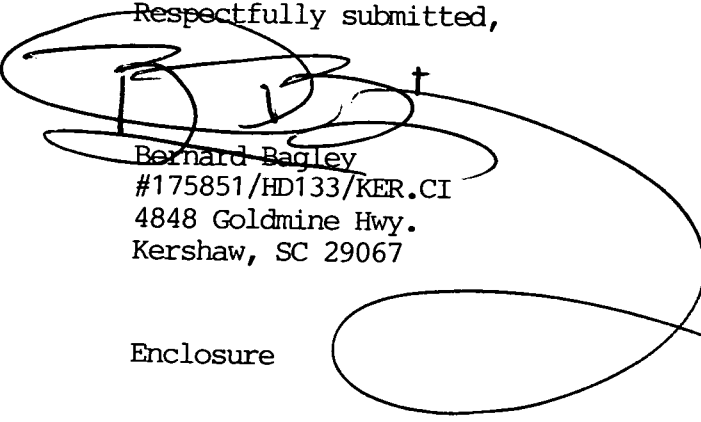
Dear Mr. Shearouse:

Enclosed is a copy of an order of dismissal from ALJ Funderburk, in which I received on the 22nd. ALJ Funderburk arbitrary disregarded the fact that my brief supported that I do have a standing and state created liberty interest pertaining to this matter.

In the interest of efficiency, State Statute §24-1-140, provides a state created interest in accordance to SCDC policy OP-21-21.04, Inmate Classification Plan. Also see TR v. SCDC, No. 2005-CP-40-02925. As such, I'm respectfully requesting that this Court order ALJ Funderburk to administer his ministerial duties in this matter.

Thank you for considering this matter.

Respectfully submitted,



Bernard Bagley
#175851/HD133/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

Enclosure

cc: SC ALC
SCDC General Counsel

LEGAL

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Bernard Bagley, #175851,
Appellant,
vs.
South Carolina Department of Corrections,
Respondent.

Docket No. 16-ALJ-04-0625-AP
Grievance No.: KRCI 674-16

ORDER OF DISMISSAL

FILED

SEP 19 2016

SC ADMIN. LAW COURT

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed August 19, 2016, by Bernard Bagley ("Appellant"), an inmate in the custody of the South Carolina Department of Corrections ("SCDC").

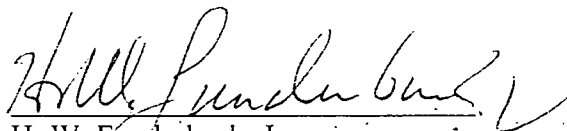
Appellant appeals a denial of a grievance regarding the availability of mental health treatment and evaluation opportunities through SCDC. The ALC cannot and should not extend its jurisdiction over an internal prison matter. *See Al-Shabazz v. State*, 338 S.C. 354, 382, 527 S.E. 2d 742, 757 (2000) (citing *Pruitt v. State*, 274 S.C. 565, 567-68, 266 S.E.2d 779, 780 (1980)) and *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2012).

Under *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E. 2d 506, 508 (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." It is therefore,

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

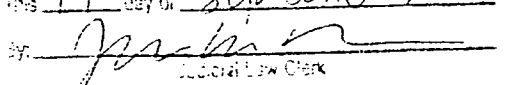
AND IT IS SO ORDERED.

Columbia, South Carolina
September 19, 2016


H. W. Funderburk, Jr.
Administrative Law Judge

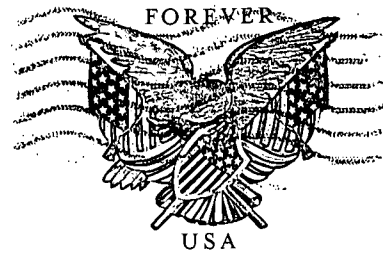
CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy thereof in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 19 day of September 2016
By: 
Clerk

DERNAZ, Bradley
#17585T-133-1421
4848 GOLDMINE HWY.
KELSHAW, S.C. 29067

COLUMBIA SC 290
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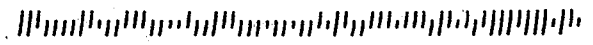
SEP 29 2016

S.C. SUPREME COURT

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LEGAL

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THE DEPARTMENT OF JUSTICE
FOR ITS COMPLAINT

SEP 27 2016

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