

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW Court  
Deborah Brooks Durden, Administrative  
Law Judge, Case No: 2012-212582

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SAMUEL A. WILDER.....Appellant

v,

SOUTH CAROLINA  
DEPARTMENT OF CORRECTIONS.....Respondent

BRIEF OF APPELLANT

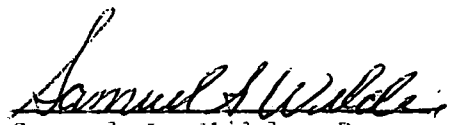
  
Samuel A. Wilder, Pro-se  
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1. DID THE ADMINISTRATIVE LAW COURT ERR IN APPLYING  
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TABLE OF AUTHORITIES

CASES

Altizer v Paderick 569 F.2d 812 (4th Cir. 1978).....2

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STATEMENT OF ISSUE ON APPEAL

1. DID THE ADMINISTRATIVE LAW COURT ERR IN APPLYING Altizer v Paderick, 569 F.2d 812 (4th Cir. 1978) to this case.

## STATEMENT OF CASE

On March 4, 2011, I was excluded from work in the education building, law library, based on my race. The Kairos program also were in the education building. I have been working in the law library for ten years, and train all workers, old and new, yet when there is a Kairos program, I can't come to work, yet I have worked every weekend except when Kairos is there, then I'm not wanted but white inmate workers can work, even the law library worker that are white.

I requested, all inmates workers are treated equal in the education building, and those responsible for March 4, 2011 weekend be relieved of their duty to work inmates.

## FACTS

This appeal was dismissed with prejudice because inmate's grievance does not implicate a state created liberty or property interest. Slezak v. S.C. Department of Corrections 361 S.C. 327, 605 S.E.2d 506 (2004).

## ARGUMENTS

In Paderick the Fourth Circuit Court of Appeal held the prisoner was not denied any constitutional right by the action of the prison administrators in removing him, without a hearing from assignment to the inmates advisor programs.

Nor was the prisoner entitled to a due process hearing because the prison officials included in his file the reasons for his transfer from the inmate advisor program, even though such information might have some implications for any later right to parole on his part. Altizer v. Paderick 569 F.2d 312 (4th Cir. 1978)

Appellant argues, that his claim is being denied to work base on his race, of which Paderick makes no connections, and Slezak v. South Carolina Department of Corrections 361 S.C. 327, 605 S.E.2d 507(2004), the Administrative Law Court is to have jurisdiction of all property perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest.

This case went on and stated, due process clause offended only when inmate subjected to atypical and significant hardship in relation to ordinary incidents of prison life. Sandlin v Conner 515 U.S. 472 (1995).

ARGUMENT CONTINUED

Racial discrimination offends the Due Process Clause and Appellant is subject to atypical and significant hardships in relations to ordinary incident of prison life.

CONCLUSION

For the reasons stated, this court should reverse the judgment of the Administrative Law Court.

September 19, 2012

Respectfully submitted

  
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PROOF OF SERVICE

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I certify that I have served the Brief of Appellant on South Carolina Department of Corrections and Administrative Law Court and The South Carolina Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid on September 19, 2012 to Office of The General Counsel, 4444 Broad River Road, Columbia, S.C. 29221 and S.C. Administrative Law Court 1205 Pendleton Street, Suite 224, Columbia, S.C. 29201.

September 19, 2012

  
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