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JAN 11 2017

IN THE SUPREME COURT  
OF SOUTH CAROLINA

S.C. SUPREME COURT

Shirley C. Robinson Administrative Law Judge  
Docket No. 16-ALJ-04-0862-AP  
Grievance No. MCCI-0591-14

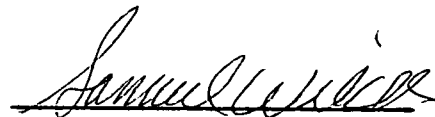
Samuel Wilder..... APPELLANT

v.

South Carolina Department of Corrections.....Respondent

NOTICE OF APPEAL

I Samuel A. Wilder, 258295 appeals the Order of Dismissal from Shirley C. Robinson Administrative Law Judge that was signed December 30, 2016 and received by me on January 4, 2017.



Samuel Wilder, 258295  
386 Redemption Way  
McCormick, SC 29899

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S.C. SUPREME COURT

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Shirley C. Robinson Administrative Law Judge  
Docket No. 16-ALJ<sup>04</sup>-0862-AP  
Grievance No. MCCI 0591-14

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Samuel Wilder, 258295.....Appellant

v.

South Carolina Department of Corrections.....Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certify that he mail notice of appeal to the South Carolina Supreme Court P.O. Box 11330, Cola, S.C. 29211 and South Carolina Administrative Law Court 1205 Pendleton Street, suite 224, Cola, S.C. 29201 this 5 day of January 2017 by depositing same in the U.S. mail at McCormick mail-room.



Samuel Wilder, 258295  
386 Redemption Way  
McCormick, S.C. 29899

**FILED**

DEC 30 2016

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

SC ADMIN. LAW COURT

Samuel Wilder, 258295, )  
 )  
 Appellant, )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Docket No.: 16-ALJ-04-0862-AP  
Grievance No.: MCCI 0591-14

**ORDER OF DISMISSAL**

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JAN 11 2017

**S.C. SUPREME COURT**

This matter is before the South Carolina Administrative Law Court (“the ALC” or “the Court”) pursuant to the Notice of Appeal filed December 12, 2016, by Samuel Wilder (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). Appellant appeals the Department’s decision finding that Appellant received adequate dental care to address the concerns Appellant has with his tooth.

The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep’t of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep’t of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. South Carolina Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004), provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007).


For the purpose of establishing jurisdiction, a state-created liberty or property interest exists when (1) an inmate is disciplined and punishment is imposed, or (2) when an inmate alleges prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. Sullivan, 355 S.C. at 441, 586 S.E.2d at 126. Additionally, this Court has jurisdiction when an inmate contests the Department’s decision to permanently deny the inmate’s parole eligibility. Id. Finally, under certain circumstances, an inmate may have a state-created liberty interest in “freedom from restraint which, while not exceeding the sentence in such an unexpected manner as

to give rise to protection by the Due Process Clause of its own force . . . nonetheless imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” Sandin v. Conner, 515 U.S. 472, 483-84 (1995); see Sullivan, 355 S.C. at 443, 586 S.E.2d at 127 (applying Sandin to resolve a “condition of confinement claim”).

Here, Appellant asserts that the Department erred in failing to provide him proper dental care. This complaint does not arise from punishment administered for a disciplinary conviction, nor does it relate to Appellant’s sentence, sentence-related credits, or custody. Moreover, this is not an “atypical” condition of restraint. Accordingly, Appellant has not alleged deprivation of a state-created liberty or property interest in this matter. Therefore, the Court finds Furtick to be controlling, and the case is dismissed for lack of jurisdiction.

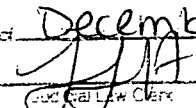
**IT IS HEREBY ORDERED** that this appeal is **DISMISSED, with prejudice.**

**AND IT IS SO ORDERED.**

  
**SHIRLEY G. ROBINSON**  
Administrative Law Judge

December 30<sup>th</sup>, 2016  
Columbia, South Carolina

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

This 30 day of December 2016  
By:   
Judicial Law Clerk

Samuel H. Miller 258295  
FIA-184

McCormick Correctional Institute  
386 Redemption Way  
McCormick, SC 29899

Supreme Court of  
South Carolina  
P. O. Box 11330  
Columbia, S. C. 29211

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JAN 05 2017

MCCI  
MAIL ROOM

THE DEPARTMENT OF CORRECTIONS AND PROBATION  
RESPECTFULLY REQUESTS THAT YOU CONTACT THE  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.

MCCORMICK CORRECTIONAL INST.  
B.C. DEPARTMENT OF CORRECTIONS

**LEGAL MAIL  
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