

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Leroy A. McKenzie, #300416,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 17-ALJ-04-0349-AP

Grievance No. LCI 0161-17

ORDER OF DISMISSAL

RECEIVED

AUG 14 2017

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Leroy A. McKenzie (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). Appellant filed a grievance with the Department alleging inadequate medical care and seeks review of the Department's decision. Appellant has not alleged an infringement upon a state-created liberty or property interest.

This Court reviews Department grievance decisions pursuant to the South Carolina Supreme Court decision in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Under the Al-Shabazz line of cases, this Court may only review matters related to a state-created liberty or property interest. See id., 338 S.C. at 368-69, 527 S.E.2d at 749-50 (vesting the ALC with jurisdiction over the loss of state-created liberty interests such as accrued good time credit); Wicker v. S.C. Dept. of Corrs., 360 S.C. 421, 602 S.E.2d 56 (2004) (holding that inmate had a right to procedural due process in matters involving a state-created right to property such as wages). Specifically, the South Carolina Supreme Court has stated that summary dismissal of an otherwise properly perfected inmate appeal "may be appropriate where the inmate's grievance does not implicate a **state-created** liberty or property interest." Slezak v. S.C. Dept. of Corrs., 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004) (citation omitted) (emphasis added). In a matter concerning inmate medical care, the Court of Appeals reiterated this holding and concluded that an inmate's request for a medical device implicated no state-created liberty interest. See S.C. Dept. of Corrs. v. Mitchell, 377 S.C. 256, 258-60, 659 S.E.2d 233, 235-36 (Ct. App. 2008).

Because Appellant's allegations of inadequate medical care do not implicate a state-created liberty or property interest, it is appropriate to summarily dismiss this case.

FILED

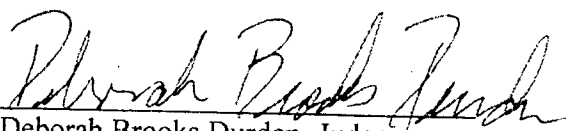
JUL 17 2017

SC ADMIN. LAW COURT

ORDER

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**

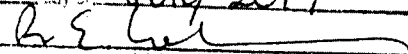
AND IT IS SO ORDERED.


Deborah Brooks Durden, Judge
S.C. Administrative Law Court

July 17, 2017
Columbia, South Carolina

CERTIFICATE OF SERVICE

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

This 17th day of July 2017
By: 
Judicial Law Clerk

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FEB 01 2017

MAIL ROOM
LIEBER C.I.

**FINANCIAL CERTIFICATE
FOR THE
DISTRICT OF SOUTH CAROLINA**
(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

Lieber
SA
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I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full filing fee required by 28 U.S.C. § 1914 (currently \$350.00), I will send with my complaint an initial installment payment, required by 28 U.S.C. § 1915, equal to the amount calculated and entered on line four by the authorized officer signing this form.

I recognize that by filing this case, I am required to pay the full filing fee (or the remaining unpaid portion of the filing fee by installments if necessary) under 28 U.S.C. § 1915(b) even though I am requesting to proceed *in forma pauperis*. I authorize and consent to collection of the filing fee in accordance with 28 U.S.C. § 1915 until the filing fee is paid in full.

Leroy A. McKenzie
INMATE NAME (PRINTED)

300416
INMATE (PRISONER) NUMBER

[Signature]
INMATE SIGNATURE

Lieber Cor. Inst
PLACE OF CONFINEMENT

SCDC-FINANCIAL ACCTG
2017 JAN 26 AM 11:17

- ◆ (1) Average monthly deposits to the inmate's account.....\$ 0
- ◆ (2) Average monthly balance in the inmate's account calculated for the prior six months period.\$ 0.24
- ◆ (3) Current Balance\$ 0.24
- ◆ (4) Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2).....\$ 0

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AUG 14 2017

SC Court of Appeals

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

[Signature]
Authorized Officer's Signature

1/26/17
Date

J. Snider
Authorized Officer's Name and Title