

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Alaric Wayne Hunt, #151418,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
)
)
)

Docket No. 17-ALJ-04-0560-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on October 27, 2017 by Alaric Wayne Hunt (Appellant), who is incarcerated with the South Carolina Department of Corrections (SCDC or Department). The Appellant was convicted of Use or Possession of Narcotics, Marijuana or Unauthorized Drugs, Including Prescription Drugs, or Inhalants. He received punishment, however, ie did not include loss of good time credit.

On February 16, 2018, the Respondent filed a Motion to Dismiss requesting the court dismiss the Appellant's appeal because he failed to timely advance his position. The case was assigned on November 9, 2017. Therefore, pursuant to SCALC Rule 60, the Appellant's brief was due on or before February 7, 2018. The Appellant did not file a brief until March 1, 2018.¹ As such, the Appellant's brief was not timely filed.²

DISCUSSION

SCALC Rule 62, entitled "Dismissal of Appeal," provides that:

Upon motion of any party, or on its own motion, an Administrative Law

¹ The Appellant also filed a Motion for Special Consideration with his brief on March 1, 2018 explaining that his brief was late because the correctional facility where he is currently incarcerated has been on lockdown or in some type of emergency situation on a weekly basis. However, although the Appellant's Motion for Special Consideration was in the format of a brief, it did not contain any legal citations or legal arguments.

² The court would likewise note that the Appellant's brief filed on March 1, 2018 is in the form of a letter with no headings, legal citations, or legal arguments. Consequently, the Appellant's brief also fails to meet the content requirements contained in SCALC Rule 60(B).

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SC ADMIN. LAW COURT

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 (V)

SCALC Rule 62. By filing an appeal, the Appellant has an obligation to advance a position. "There is a limit beyond which the court should not allow a litigant to consume the time of the court" *Georganne Apparel, Inc. v. Todd*, 303 S.C. 87, 92, 399 S.E.2d 16, 19 (Ct. App. 1990). Therefore, pursuant to SCALC Rule 62, the Respondent's Motion to Dismiss is granted and this matter is hereby dismissed.

However, even if the court were to proceed to consider the merits of this matter, the appeal must be dismissed for lack of jurisdiction. The court's jurisdiction in inmate appeals 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 to hear such matters is limited to cases involving denial of state created liberty interests³ 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. *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750.

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754 (citation omitted). Consequently, review in inmate grievance cases is limited to the record before the court. Pursuant to *Slezak v. S.C. Dep't of Corr.*, the ALC is to have jurisdiction over 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." *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004). While the court is sympathetic to the Appellant's concerns about possible negative implications this disciplinary conviction will have on his opportunity for parole, there is clearly no state created liberty or property interest implicated here.

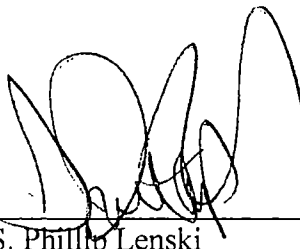
Thus, even had the Appellant timely filed his brief, this is undoubtedly a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in internal prison matters. *See Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980); *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (emphasis supplied).

³ The court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

ORDER

THEREFORE, the Department's Motion to Dismiss is **GRANTED** and this matter is hereby **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

March 12, 2018
Columbia, South Carolina

NOTICE OF SERVICE
I, the undersigned, have this day
caused to be served upon all
parties to the cause by depositing a copy thereof
with the United States Mail, postage paid, or in the alternative
by electronic means to the party(ies) or their attorney(s).
12th March 2018