

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

John Baccus, 187393,)
)
 Appellant.)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No.: 19-ALJ-04-0435-AP
Grievance No.: PCI 420-19

ORDER OF DISMISSAL
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SC Court of Appeals

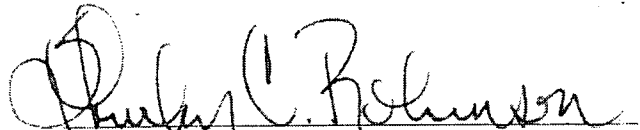
This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by John Baccus (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). Appellant appeals the decision of the Department denying his grievance.

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. *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). *Slezak v. South Carolina Department of Corrections* provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. 361 S.C. 327, 605 S.E.2d 506 (2004). 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. *Howard v. South Carolina Department of Corrections*, 399 S.C. 618, 733 S.E.2d 211 (2012).

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 v. S.C. Dep't of Corr.*, 355 S.C. 437, 441, 586 S.E.2d 124, 126 (2003). 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 is seeking reparations or damages due to discrimination of black inmates by Department Staff. However, this appeal does not arise from punishment administered for a disciplinary conviction, nor does it relate to Appellant's sentence, sentence-related credits, or custody. Furthermore, this appeal does not involve 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 *Howard* 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 C. ROBINSON
Administrative Law Judge

September 16th, 2019
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the 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 emergency mail service addressed to the carrier(s) of their attorney(s).

This 16 day of September 2019
By [Signature]
Judicial Law Clerk