

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Samuel Wilder, 258295,)	Docket No.: 21-ALJ-04-0032-AP
)	Grievance No.: MCCI 172-20
Appellant,)	
vs.)	ORDER OF DISMISSAL
)	
South Carolina Department of Corrections,)	
)	
Respondent.)	
)	

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Samuel Wilder (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

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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”).

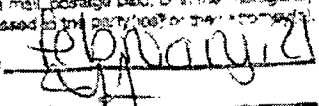
Here, Appellant contends that SCDC has no respect for his life because he was left to die until a court issued an order requiring that he receive medical treatment. Appellant explains that he has begun to receive treatment for his disease, however, he asserts that the delayed medical treatment constitutes a deliberate indifference to his serious medical needs. Appellant further asserts that he has a protected liberty interest in receiving adequate medical treatment.

In this instance, Appellant’s 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, the appeal does not involve an “atypical” condition of restraint. Because Appellant has not alleged deprivation of a state-created liberty or property interest in this matter, 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

February 18th, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE
I hereby certify that the undersigned party has served this order in the above entitled action upon all parties to this cause by depositing a copy of the same in the United States mail, postage paid, or in the emergency by a person addressed to the party, or the attorney for the party.
This 18th day of February, 2021
By: 
Judicial Law Clerk