

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Mekiel Mitchell, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-206946

Appeal From the Administrative Law Court
Shirley C. Robinson, Administrative Law Judge

Unpublished Opinion No. 2013-UP-190
Submitted April 1, 2013 – Filed May 8, 2013

AFFIRMED

Mekiel Mitchell, pro se.

Christopher D. Florian, of the South Carolina Department
of Corrections, of Columbia, for Respondent.

PER CURIAM: Mekiel Mitchell appeals the order dismissing his appeal, arguing the Administrative Law Court (the ALC) erred when it (1) found the merits of Mitchell's appeal did not implicate a state-created liberty interest and (2) did not permit him to file a motion to reconsider. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the ALC erred when it dismissed Mitchell's appeal: *Sanders v. S.C. Dep't. of Corr.*, 379 S.C. 411, 417, 665 S.E.2d 231, 234 (Ct. App. 2008) ("In an appeal of the final decision of an administrative agency, the standard of appellate review is whether the AL[C]'s findings are supported by substantial evidence."); *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 333, 605 S.E.2d 506, 509 (2004) ("[T]he AL[C] has jurisdiction over all properly perfected inmate appeals, but . . . it may summarily decide those appeals that do not implicate an inmate's state-created liberty or property interest."); *id.* at 331-33, 605 S.E.2d at 508-09 (finding no state-created liberty or property interest implicated when prison officials confiscated an inmate's educational tapes, confiscated a book sent to the inmate through the mail, and limited the amount of legal material the inmate could have while housed in an administrative segregation unit).

2. As to whether the ALC erred when it prohibited Mitchell from filing a motion for reconsideration: Rule 65, SCRALC ("The decision of [the ALC] is a final decision and motions for reconsideration will not be considered."); *Jones v. N.C. Prisoners' Labor Union, Inc.*, 433 U.S. 119, 125 (1977) ("[L]awful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, a retraction justified by the considerations underlying our penal system." (quoting *Price v. Johnston*, 334 U.S. 266, 285 (1948))); *Al-Shabazz v. State*, 338 S.C. 354, 382, 527 S.E.2d 742, 757 (1999) ("[T]he process due an inmate-as well as the level of judicial scrutiny-in a custody status case or a minor disciplinary hearing in which an inmate does not face the loss of sentence-related credits is further limited by the fact that neither of those matters is a protected liberty interest within the scope of the Fourteenth Amendment.").

AFFIRMED.¹

HUFF, WILLIAMS, and KONDUROS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.