

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FREDERICK W. SMITH, JR.,	§
	§
Plaintiff Below-	§ No. 438, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
LT. JOHN SALAS,	§ in and for New Castle County
	§ C.A. No. 10C-03-234
Defendant Below-	§
Appellee.	§

Submitted: July 27, 2010

Decided: September 20, 2010

Before **HOLLAND, BERGER, and JACOBS**, Justices.

ORDER

This 20th day of September 2010, upon consideration of the appellant’s opening brief and the State’s motion to affirm, it appears to the Court that:

(1) The appellant, Frederick Smith, is an inmate incarcerated under the supervision of the Delaware Department of Correction (“DOC”). The appellee is employed by the DOC. Smith filed this appeal from the Superior Court’s dismissal of his complaint alleging that he had been “illegally fired” from his prison job without a hearing. The State of Delaware, as the real party in interest, has filed a motion to affirm the judgment below on the

ground that it is manifest on the face of Smith's opening brief that his appeal is without merit. We agree and affirm.

(2) Delaware law is well-established. An inmate has no protected liberty interest in a prison work assignment.¹ Accordingly, Smith's complaint failed to state a claim upon which relief could be granted. Thus, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated June 30, 2010.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ See *Clough v. State*, 686 A.2d 158, 159 (Del. 1996); *Mosley v. Klein*, 2003 WL 728550 (Del. Feb. 28, 2003).