

Commonwealth Of Kentucky

Court Of Appeals

NO. 2002-CA-000546-MR

RODNEY GRIMES

APPELLANT

v.

APPEAL FROM LYON CIRCUIT COURT
HONORABLE BILL CUNNINGHAM, JUDGE
ACTION NO. 01-CI-00215

PHILIP PARKER

APPELLEE

OPINION
AFFIRMING
** ** * * * * *

BEFORE: BARBER, DYCHE, AND TACKETT, JUDGES.

TACKETT, JUDGE: Rodney Grimes appeals from the dismissal of his petition for declaratory judgment by the Lyon Circuit Court. Among other things, Grimes alleges that he was the victim of discrimination when the Kentucky State Penitentiary refused to allow a particular person to visit. Grimes also mentions, without a particular claim for relief, several incidents wherein he was disciplined for a number of infractions, all of which he claims establishes a pattern of discrimination against him. The circuit court dismissed his petition on the motion of the warden, Philip Parker, and the Department of Corrections. We affirm.

As the circuit court correctly pointed out, Grimes does not have a protected liberty interest in having particular visitors. Kentucky Department of Corrections v. Thompson, 109 S.Ct. 1904 (1989), Smith v. O'Dea, Ky., 939 S.W.2d 353 (1997). The visitor in question, Nigeria Judkins, was not on the list of approved visitors; while Grimes disputes that the visitor was Nigeria Judkins but rather was in fact Shanice Rogers, we note that there is insufficient evidence of racial discrimination to allow Grimes to proceed on his claim, where there is no protected liberty interest at issue.

Likewise, we disagree that his action should be remanded to allow Grimes to state specific grounds for relief, with respect to the generalized allegation of a pattern of racial discrimination relating to Grimes' repeated disciplinary infractions and corresponding punishment. As the Department of Corrections noted in its response filed in the circuit court, the record reveals nothing less than total compliance with the law with respect to the disciplinary actions against Grimes. Grimes' due process rights were adequately protected at every stage, and despite his generalized claim of a "cover-up" of civil rights violations, we reject Grimes' contention that he is entitled to a hearing on this matter. "Prison disciplinary proceedings take place in a highly charged atmosphere, and prison administrators must often act swiftly on the basis of evidence that might be insufficient in less exigent circumstances." Superintendent v. Hill, 472 U.S. 445, 456, 105 S.Ct. 2768, 2774, 86 L.Ed.2d 356 (1985). As long as "some evidence" exists to support the

disciplinary body's action, it may not be disturbed on appeal. Id. at 455. It is readily apparent from a review of the record that the prison's action is supported under this standard, and accordingly we reject Grimes' contentions on appeal.

For the foregoing reasons, the judgment of the Lyon Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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