

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted December 21, 2022*

Decided December 22, 2022

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 21-1495

WILLIAM ANTHONY FLY,
Petitioner-Appellant,

Appeal from the United States District
Court for the Central District of Illinois.

v.

No. 20-cv-1412-CSB

WARDEN OF UNITED STATES
PENITENTIARY, TUCSON,
Respondent-Appellee.

Colin S. Bruce,
Judge.

ORDER

William Anthony Fly, a transgender woman who now goes by Toni, appeals the denial of her petition for a writ of habeas corpus under 28 U.S.C. § 2241. She challenged both her underlying conviction and the conditions at the Federal Correctional Institution at Pekin, Illinois. (She has since been transferred elsewhere.) Fly also mentioned that the prison revoked some of her good-time credits without due process.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

But, given the chance to elaborate on her loss of good-time credits, she fails to support any due-process violation. That was the only potentially cognizable claim, so we affirm.

Fly's habeas petition includes allegations of sexual assault, inadequate medical care, and other potential violations of her Eighth Amendment rights during her imprisonment, as well as errors and constitutional violations during the criminal proceedings that led to her conviction and sentence. Upon its initial review under 28 U.S.C. § 2243, the district court concluded that Fly's § 2241 petition could not be used to challenge the conditions of her confinement, including the alleged abuse and denials of medical care. *See Robinson v. Sherrod*, 631 F.3d 839, 840–41 (7th Cir. 2011). The court also ruled that her petition could not be used to challenge her conviction and sentence because she had been through a collateral attack already, and the claims did not fall within the savings clause of 28 U.S.C. § 2255(e). *See Camacho v. English*, 872 F.3d 811, 813 (7th Cir. 2017).

On appeal, we instructed Fly to explain why we should not summarily affirm the judgment. After reviewing the letter and memorandum that Fly submitted in response, we allowed the appeal to proceed to briefing. We concluded that Fly might have a nonfrivolous argument that she pleaded an appropriate ground for § 2241 relief that was unaddressed by the district court. Namely, amid her other claims, she asserted that prison officials “issued several retaliatory incident reports ... which have resulted in loss of liberty or good time.”

A due-process challenge to the loss of good-time credits as punishment for a violation of institutional rules is properly brought in a § 2241 petition. *Preiser v. Rodriguez*, 411 U.S. 475 (1973). Due process requires that a federal inmate receive “(1) written notice of the claimed violation at least 24 hours before hearing; (2) an opportunity to call witnesses and present documentary evidence (when consistent with institutional safety) to an impartial decision-maker; and (3) a written statement by the fact-finder of the evidence relied on and the reasons for the disciplinary action.” *Jones v. Cross*, 637 F.3d 841, 845 (7th Cir. 2011). “[S]ome evidence” must support the discipline. *Id.*

Fly did not, however, state facts in her petition supporting her due-process challenge, as she was required to do under Rule 1(b) and Rule 2(c) of the Rules Governing Section 2254 Cases. And on appeal, although we specifically noted before briefing that, based on the loss of her good-time credits, Fly might have a single nonfrivolous argument cognizable under § 2241, she provides no details about any

potential due-process violations. She makes the conclusory statements that she was subjected to “false incident reports” as “retaliation” for reporting sexual assault, and that she was denied “due process in the proceedings” and “witnesses and discovery.” But she gives no specifics, even about how many distinct proceedings she challenges. Beyond the generalized nods to due process that close out her brief, she otherwise repeats the same allegations that the district court correctly concluded cannot proceed in a habeas petition. *See Robinson*, 631 F.3d at 840–41; *Camacho*, 872 F.3d at 813. Without reason to believe that Fly has a nonfrivolous due-process challenge to develop on remand, we will not overturn the judgment. *Cf. Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001).

AFFIRMED