NONPRECEDENTIAL DISPOSITION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 March 22, 2023*
Decided March 23, 2023

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

Nos. 22-2729 & 22-2730

RA'MAR DANIELS,
Petitioner-Appellant,

v.

DENNIS REAGLE,
Respondent-Appellee.

Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division.

No. 1:22-cv-00089-JRS-TAB
No. 1:22-cv-00090-JRS-MJD
James R. Sweeney II,
Judge.

O R D E R

Ra'mar Daniels, an Indiana prisoner, petitioned under 28 U.S.C. § 2254 to overturn disciplinary convictions for kicking and pushing correctional officers. The district court denied his two petitions, and Daniels appeals, challenging whether

* We have agreed to decide the cases 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).

sufficient evidence supported the findings that he violated disciplinary rules. We consolidate these two appeals for disposition and affirm the judgments.

The relevant events occurred in the infirmary at Pendleton Correctional Facility on September 5, 2021. Daniels was assessed by a nurse after asserting that he had been drugged by another prisoner. He was cleared to return to his cell but objected. After Daniels refused correctional officers' orders to move, the officers lifted him and carried him toward a wheelchair. As they approached, he began pushing and kicking. An officer electronically stunned Daniels to get him to comply with orders to stop resisting. The officers then placed Daniels on the ground, and he continued to kick them.

Three officers who were kicked wrote conduct reports charging Daniels with committing battery against a staff person, Offense 117 of Indiana Department of Correction Policy 02-04-101. Daniels pleaded not guilty to each. A disciplinary hearing officer, relying on statements from witnesses and video recordings of the incident, ultimately found Daniels guilty of each charge. Daniels incurred sanctions that included the loss of 180 days of good-time credit for each conviction. He did not obtain any relief in the administrative appeals process.

Daniels next filed a single petition for writ of habeas corpus seeking to vacate the three convictions that arose from the incident at the infirmary. The district court severed his claims into three separate cases under Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts. Citing procedural flaws with the administrative appeals, the State argued that Daniels failed to exhaust his administrative remedies. In the two cases on appeal here, the district court did not decide that issue. On the merits, it concluded (among other things) that the conduct reports, the witness statements, and the video satisfied the requirement of "some evidence" to support the convictions. Daniels appeals, contesting the sufficiency of the evidence that he battered the officers.

Although the government does not abandon the argument that Daniels failed to exhaust his administrative remedies, we need not decide that question because we agree with the district court that Daniels loses on the merits. *See* 28 U.S.C. § 2254(b)(2); *Moffat v. Broyles*, 288 F.3d 978, 981–82 (7th Cir. 2002).

Prisoners cannot be deprived of good-time credits, in which they have a liberty interest, without due process including a written statement from the finder of fact identifying the evidence and the reasoning for the discipline. *Wolff v. McDonnell*,

418 U.S. 539, 563–67 (1974). There must be "some evidence" to support a conviction. *Superintendent v. Hill*, 472 U.S. 445, 447 (1985). To meet this standard, we ask "whether there is any evidence in the record that could support the conclusion." *Id.* at 455–56.

Daniels argues that, because he was drugged and stunned, his movements were involuntary, and so the evidence was not sufficient to show that he knowingly or intentionally kicked the correctional officers. *See* IND. DEP'T OF CORR., MANUAL OF POLICIES AND PROCS., No. 02-04-101, § III(F) (March 1, 2020) (defining battery). But here, witness statements reflect that Daniels had been medically cleared to leave the infirmary and that he began kicking the officers before he was stunned. This circumstantial evidence is sufficient support for the disciplinary hearing officer's conclusions that Daniels intentionally struck the officers. *See McPherson v. McBride*, 188 F.3d 784, 786 (7th Cir. 1999) (citing *Hill*, 472 U.S. at 457) ("[Disciplinary] report alone provides 'some evidence.'"). Although Daniels presents an alternative, due process "does not require evidence that logically precludes any conclusion but the one reached." *Hill*, 472 U.S. at 457.

AFFIRMED