

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**VICTORIA GARRETT
ADC #708139**

PETITIONER

v.

Case No. 5:13-cv-00039 KGB-JTR

**RAY HOBBS, Director,
Arkansas Department of Correction**

RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. Judgment will be entered accordingly.

Victoria Garrett's objections include a document that the Arkansas Department of Corrections ("ADC") describes as "commitment AE-001 which controls your TE date only" (Dkt. No. 11-1). As set forth in the Proposed Findings and Recommended Disposition, the TE date is the date when Ms. Garrett becomes eligible for transfer from the ADC's traditional correctional facilities to community correction facilities, programming, and supervision (Dkt. No. 10, at 7-8). The Court agrees that, at most, Ms. Garrett alleges that her disciplinary convictions have resulted in a delay in her being considered for parole or transfer. A prisoner does not have a constitutional right to the possibility of parole or to participation in discretionary prison programs that might increase his or her chance for being released on parole. *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 1, 9-11 (1979); *Persechini v. Callaway*,

651 F.3d 802, 807-08 (8th Cir. 2011). Ms. Garrett has failed to state a viable habeas claim arising from any of the disciplinary convictions she seeks to challenge in this action.

IT IS THEREFORE ORDERED THAT this petition for a writ of habeas corpus under 28 U.S.C. § 2254, as amended (Dkt. Nos. 2, 4, 5, 7), is denied, and that this habeas action is dismissed with prejudice.

IT IS FURTHER ORDERED THAT a certificate of appealability is denied pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

SO ORDERED THIS the 29th day of May, 2013.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE