

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

OPIE W. GLASS,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:13-CV-379 JD
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Opie W. Glass, a *pro se* prisoner, filed a habeas petition under 28 U.S.C. § 2254 challenging a prison disciplinary proceeding. (DE 1.) In MCF #13-02-0269, a hearing officer found Glass guilty of engaging in an unauthorized financial transaction, resulting in the loss of earned-time credits and other sanctions. (DE 11-6.) The charge was initiated on February 20, 2013, when Internal Affairs Officer S. Starkey wrote a conduct report stating as follows:

I, Program Coordinator 5, S. Starkey monitored a phone call in the Offender Telephone System that was identified by PIN number as Opie Glass 137448.

The call was made 1/21/13 at 20:09 to 317-509-5140 to a person listed by him as Marlene Palmer, Grandmother.

Information obtained during the call indicated the caller was receiving a Green Dot number.¹

The number was submitted to Indianapolis.

(DE 11-1.)

¹ “Green Dot” is an anonymous debit card service that allows a person to purchase a reloadable or prepaid debit card and its accompanying number. Inmates can use this system to move money without detection. *See Hernandez v. Brown*, No. 2:13-CV-134, 2013 WL 5658056 (S.D. Ind. order dated Oct. 15, 2013).

On February 22, 2013, Glass was formally notified of the charge and given a copy of the conduct report. (DE 11-1, DE 11-2.) He pled not guilty, requested a lay advocate, did not request any witness statements, and requested “phone calls” as physical evidence. (DE 11-2.) Prior to the hearing, the hearing officer listened to the taped phone conversation per Glass’s request, and summarized it as follows: “On the date of 2/22/13 a phone conversation is being reviewed for Offender Glass DOC #137448. During the phone conversation this offender received a series of fourteen digits believed to be green dot numbers.” (DE 11-5.) On March 1, 2013, the hearing officer conducted a hearing on the charge. (DE 11-6.) Glass stated that he “would not have done it after the first time if they would have wrote me up.” (*Id.*) Based on the evidence, the hearing officer found him guilty. (*Id.*) His administrative appeals were denied (DE 11-7, DE 11-8), and he then filed this petition.

The Fourteenth Amendment guarantees prisoners certain procedural due process rights in prison disciplinary hearings: (1) advance written notice of the charges; (2) an opportunity to be heard before an impartial decision-maker; (3) an opportunity to call witnesses and present documentary evidence in defense, when consistent with institutional safety and correctional goals; and (4) a written statement by the fact-finder of evidence relied on and the reasons for the disciplinary action. *Wolff v. McDonnell*, 418 U.S. 539 (1974). To satisfy due process, there must also be “some evidence” in the record to support the guilty finding. *Superintendent, Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 455 (1985).

Here, Glass raises a number of claims based on violations of Indiana Department of Correction (“IDOC”) policies, specifically, the rules governing progressive discipline and the time frame for issuing a conduct report. (DE 1 at 4-5.) However, even if Glass is correct that prison

