

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

KEITH R. McCANTS,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO.: 3:19-CV-171-RLM-MGG

OPINION AND ORDER

Keith R. McCants, a prisoner without a lawyer, filed a habeas corpus petition challenging the disciplinary decision (ISP 18-6-178) at the Indiana State Prison in which a disciplinary hearing officer found him guilty of using an unauthorized controlled substance in violation of Indiana Department of Correction Offense B-202. Mr. McCants was sanctioned with a loss of thirty days of earned credit time. Under Section 2254 Habeas Corpus Rule 4, the court must dismiss the petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.”

Mr. McCants’s sole argument is that he is entitled to habeas relief because the individual who collected his urine sample for drug testing didn’t seal the sample before leaving the bathroom, which was a violation of the department’s Offender Urinalysis Program procedure. The failure to follow departmental policy doesn’t rise to the level of a constitutional violation. See Estelle v. McGuire, 502 U.S. 62, 68 (1991) (“state-law violations provide no basis for federal habeas relief”); Keller v. Donahue, 271 F. App’x 531, 532 (7th Cir. 2008) (inmate’s claim

that prison failed to follow internal policies had “no bearing on his right to due process”). Nor does this argument suggest that any of Mr. McCants’ procedural rights were violated. See Superintendent, Mass. Corr. Inst. v. Hill, 472 U.S. 445, 455 (1985); Wolff v. McDonnell, 418 U.S. 539, 563-66 (1974). Mr. McCants’s claim that his urine sample was handled inappropriately is not a basis for habeas relief.

For these reasons, the court:

- (1) DENIES the petition pursuant to Section 2254 Habeas Corpus Rule 4;
- (2) WAIVES the filing fee;
- (3) DIRECTS the clerk to enter judgment and to close this case; and
- (4) DENIES Keith R. McCants leave to proceed in forma pauperis on appeal.

SO ORDERED on March 22, 2019

s/ Robert L. Miller, Jr.  
JUDGE  
UNITED STATES DISTRICT COURT