

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

NELSON RIOS,)
Petitioner,)
vs.) 1:10-cv-1270-LJM-DML
DONNA CARNEYGE,)
Respondent.)

Entry Discussing Petition for Writ of Habeas Corpus

This cause is before the court on the petition of Nelson Rios for a writ of habeas corpus challenging a prison disciplinary proceeding identified as CIC-10-07-0320.

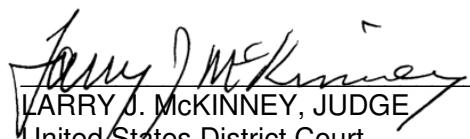
“Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face.” *McFarland v. Scott*, 512 U.S. 849, 856 (1994). This authority is conferred by Rule 4 of the *Rules Governing Section 2254 Cases in United States District Courts*, which provides that upon preliminary consideration by the district court judge, “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the petitioner to be notified.” *See Small v. Endicott*, 998 F.2d 411, 414 (7th Cir. 1993).

This is an appropriate case for such a disposition. The reason for this disposition is that the petitioner’s claims rest solely on alleged violations of prison regulations and policies in the proceeding he challenges. Apart from its nuances, a claim of this nature does not support federal habeas corpus relief under 28 U.S.C. § 2254(a). *Evans v. McBride*, 94 F.3d 1062 (7th Cir. 1996); *Colon v. Schneider*, 899 F.2d 660, 672-73 (7th Cir. 1990); *see also Del Vecchio v. Illinois Dept. of Corrections*, 31 F.3d 1363, 1370 (7th Cir. 1994)(habeas corpus jurisdiction is limited to evaluating alleged violations of federal statutory or constitutional law), *cert. denied*, 516 U.S. 983 (1995).

Because the petition shows on its face that the petitioner is not entitled to the relief he seeks, the petition is summarily dismissed pursuant to Rule 4. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 10/14/2010


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana