

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

RYAN D. PIERCE,)
Petitioner,)
v.) No. 2:11-cv-0290-WTL-DKL
DICK BROWN,)
Superintendent,)
Respondent.)

Entry Discussing Petition for Writ of Habeas Corpus

A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. 2254(a) only if it finds the applicant is in custody in violation of the Constitution or laws or treaties of the United States. *Id.* Because habeas petitioner Ryan Pierce has failed to show that this is the case with respect to the disciplinary proceeding challenged in this case, his petition for a writ of habeas corpus must be **denied** and this action dismissed. Ryan's motion to supplement his memorandum [13] is **granted**.

Discussion

In a disciplinary proceeding identified as No. WVD 11-08-151, Pierce was found guilty of violating rules at an Indiana prison for inciting a riot. The evidence favorable to the decision of the hearing officer is that during the evening of June 9, 2011, Pierce was being escorted to the segregation unit at the Wabash Valley Correctional Facility and shouted out inflammatory comments to other inmates following a gang-related beating of a prisoner to whose aid Pierce had come. These comments preceded the break-out of multiple fights in the area of B Dormitory. Contending that the proceeding was constitutionally infirm, Pierce seeks a writ of habeas corpus.

Indiana state prisoners have a liberty interest in their good-time credits and therefore are entitled to due process before the state may revoke them. *Wolff v. McDonnell*, 418 U.S. 539, 557 (1974); *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004). The right to due process in this setting is important and is well-defined. Due process requires the issuance of advance written notice of the charges, a limited opportunity to present evidence to an impartial decision-maker, a written statement articulating the reasons for the disciplinary action and the evidence justifying it,

and some evidence in the record to support the finding of guilt. *See Superintend., Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 454 (1985); *Wolff v. McDonnell*, 418 U.S. 539, 564, 566, 570-71 (1974); *Piggie v. Cotton*, 344 F.3d 674, 677 (7th Cir. 2003); *Webb v. Anderson*, 224 F.3d 649, 652 (7th Cir. 2000).

Using the protections recognized in *Wolff* and *Hill* as an analytical template, Pierce received all the process to which he was entitled. That is, the charge was clear, adequate notice was given, and the evidence was sufficient. In addition, (1) Pierce was given the opportunity to appear before the hearing officer and make a statement concerning the charge, (2) the hearing officer issued a sufficient statement of its findings, and (3) the hearing officer issued a written reason for the decision and for the sanctions which were imposed.

Pierce's claims that he was denied the protections afforded by *Wolff* are either refuted by the expanded record and based on assertions which do not entitle him to relief. "The touchstone of due process is protection of the individual against arbitrary action of the government." *Wolff*, 418 U.S. at 558. There was no arbitrary action in any aspect of the charge, disciplinary proceeding, or sanctions involved in the events identified in this action, and there was no constitutional infirmity in the proceeding which entitles Pierce to the relief he seeks. Accordingly, his petition for a writ of habeas corpus must be **denied** and the action dismissed. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 03/27/2012



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana