

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JESS HOOVER,)	
)	
Petitioner,)	
)	
vs.)	2:12-CV-42-JMS-WGH
)	
STANLEY KNIGHT, Superintendent,)	
)	
Respondent.)	

Entry Discussing Petition for Writ of Habeas Corpus

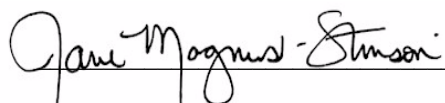
Indiana prisoner Jess Hoover was disciplined in No. ISF 11-12-0205 after it was determined that he had used an electronic device to capture a photo of himself and other confirmed security threat group (gang) members to send via a cell phone to an ex-offender. Contending that the proceeding was tainted by constitutional error, Hoover seeks a writ of habeas corpus.

The writ Hoover seeks can be issued only if the court finds that he "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). Because he has not made such a showing, his petition for a writ of habeas corpus must be **denied**. The reason for this disposition is that the pleadings and the expanded record show that (1) the procedural protections required by *Wolff v. McDonnell*, 418 U.S. 539 (1974), were provided, (2) there was at least "some evidence" to support the decision of the hearing officer as required by *Superintendent of Walpole v. Hill*, 472 U.S. 445 (1985); *Webb v. Anderson*, 224 F.3d 649, 652 (7th Cir. 2000) (even "meager" proof is sufficient), and (3) the proceedings were not otherwise tainted by prejudicial error.

"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 proceedings, or sanctions involved in the events identified in this action, and there was no constitutional infirmity in the proceeding which entitles Hoover to the relief he seeks. Accordingly, Hoover's 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: 07/19/2012


 Hon. Jane Magnus-Stinson, Judge
 United States District Court
 Southern District of Indiana

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