

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WILLIE OTIS HARRIS, JR., #614647 §
VS. § CIVIL ACTION NO. 6:15cv385
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Willie Otis Harris, Jr., an inmate confined at the Michael Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus challenging a prison disciplinary case. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be denied. Petitioner has filed objections.

Petitioner complains in his objections that none of the issues raised by him were addressed in the Report and Recommendation. “Federal habeas relief cannot be had absent the allegation by a plaintiff that he or she has been deprived of some right secured to him or her by the United States Constitution or the laws of the United States.” *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000) (citation and internal quotation marks omitted). “[H]abeas claims involve someone’s liberty.” *Davis v. Fechtel*, 150 F.3d 486, 490 (5th Cir. 1998). In prison disciplinary cases, a protected liberty interest is at stake if and only if a petitioner loses good time and is eligible for release on mandatory supervision. *See Madison v. Parker*, 104 F.3d 765, 769 (5th Cir. 1997); *Sanders v. Smith*, 111 F. App’x 752, 752 n.1 (5th Cir. 2004). Petitioner acknowledges that he is ineligible for release on mandatory supervision; thus, the punishment he received in the disciplinary case did not implicate a protected liberty interest. Federal habeas corpus relief is unavailable due to the absence of a protected liberty interest. The specific issues raised by Petitioner were not addressed since he may not obtain federal habeas corpus relief with respect to the disciplinary case.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #8) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 9th day of June, 2015.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE