



The due process clause requires notice and a hearing before the State deprives someone of life, liberty, or property. See U.S. Const. Amend XIV, §1. A liberty interest must stem from either the due process clause itself or from state law. See Sandin v. Conner, 515 U.S. 472 (1995). The Supreme Court has explicitly held that there is no liberty interest in parole under the Constitution itself. See Greenholtz v. Nebraska Penal Inmates, 442 U.S. 1, 7 (1979). Under District of Columbia law, an inmate's eligibility for parole creates no "expectancy of relief" that is cognizable under the due process clause. See Price v. Barry, 53 F.3d 369, 370 (D.C. Cir. 1995). Moreover, the Commission's act of denying parole because release would depreciate the seriousness of the petitioner's offense is not arbitrary or capricious and states a sufficient reason to prevent release. See Smith v. Hambrick, 637 F.2d 21, 212 (4th Cir. 1980).

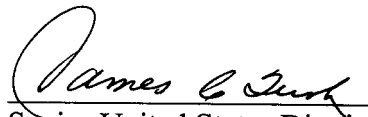
Under these principles, a D.C. inmate such as Slade has no liberty interest in being released on parole merely because he has become eligible for parole consideration. Therefore, the respondents' actions have not deprived him of any protected interest in life, liberty, or property by denying him parole release. Moreover, as the Commission gave a sufficient reason for denying his release, their action cannot be termed arbitrary or capricious. Based on the foregoing, the court concludes that it is clear from the face of Slade's petition that he has no actionable claim under the due process clause. Therefore, the court will file and dismiss his petition summarily. An appropriate order shall be issued this day.

The petitioner is advised that he may appeal this decision, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, if a circuit court of appeals justice or this court issues a certificate of appealability, pursuant to 28 U.S.C. §2253(c). A certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right.

§2253(c)(1). Petitioner has failed to demonstrate “a substantial showing of the denial of a constitutional right.” Therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322 (2003); Slack v. McDaniel, 529 U.S. 473 (2000). If petitioner intends to appeal, petitioner must file a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this memorandum opinion and accompanying order to petitioner and to counsel of record for the respondent.

ENTER: This 9<sup>th</sup> day of May, 2005.

  
Senior United States District Judge