

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ADNAN NABIH ALDARAWSHEH,

Plaintiff,

v.

WARDEN OF FCI OXFORD, WISCONSIN,  
REGIONAL DIRECTOR, Federal Bureau of  
Prisons, HARLEY LAPIN, Director, Federal  
Bureau of Prisons,

Defendants.

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OPINION AND  
ORDER

06-C-164-C

Petitioner Adnan Nabih Aldarawsheh, an inmate at the Federal Correctional Institution in Oxford, Wisconsin, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner contends that defendants violated his due process rights when they found him guilty of a disciplinary violation in the absence of any credible evidence against him. Petitioner has paid the \$5.00 fee for filing his petition.

From the petition and documents attached to it, I draw the following facts.

## ALLEGATIONS OF FACT

### A. Parties

Petitioner is an inmate at the Federal Prison Camp in Oxford, Wisconsin.

Respondent Gonzalez is Warden of the Oxford Federal Correctional Institution and Federal Prison Camp. Respondent Peter Nally is the Regional Director of the Federal Bureau of Prisons North Central Region. Respondent Harley Lapin is the Director of the Federal Bureau of Prisons.

### B. Disciplinary Incident Report

On September 12, 2005, petitioner was placed in the special housing unit of the Federal Correctional Institution, while prison officials investigated an argument that had occurred between petitioner and another inmate. On September 20, 2005, at approximately 10:40 a.m., Stephen Hobart, the former warden of the Federal Correctional Institution, walked by petitioner's cell. At the time, petitioner was sleeping.

Petitioner awoke to the sound of Hobart swearing "vociferously" at petitioner and his cellmate about a paper bag that had been placed over the cell light. Petitioner's cellmate, Richard Chambers, stated that he had placed the bag over the light while petitioner was sleeping. Although Chambers accepted full responsibility for the action, petitioner received an incident report.

At a disciplinary hearing held on September 22, 2005, Chambers testified that petitioner was asleep when he placed the bag over the cell light and that Chambers had acted alone. Nevertheless, petitioner was found guilty of failing to follow safety or sanitation regulations and given a penalty of 180 days' loss of commissary time, of which 120 days would be suspended so long as petitioner maintained "clear conduct" for 180 days. Petitioner believes the existence of the incident report on his record will prevent him from obtaining a furlough and possibly affect his ability to obtain a transfer to a halfway house.

#### OPINION

Petitioner contends that he was deprived of due process in his disciplinary hearing. The Fifth Amendment prohibits the government from depriving "any person . . . of life, liberty or property, without due process of law." U.S. Const. Amend. V. In order to receive protection under the Fifth Amendment, first a person must have a protected liberty or property interest. Sandin v. Conner, 515 U.S. 472, 486 (1995). In the context of incarceration, protected liberty interests are generally limited to disciplinary penalties that extend a prisoner's duration of confinement, such as the loss of "good time credits," and to prison conditions that are "atypical and significant" deviations from those normally associated with prison life. Id.; Lekas v. Briley, 405 F.3d 602, 610 (7th Cir. 2005). Only punishments that extend a prisoner's term of confinement may be redressed by a writ of

habeas corpus. Glaus v. Anderson, 408 F.3d 382, 386-87 (7th Cir. 2005).

Petitioner has not alleged that he lost good time credit as a result of his disciplinary violation. Moreover, the documents petitioner attached to his petition indicate that his penalty was the loss of 180 days' commissary, with the possibility of a reduction to only 60 days' loss of commissary. Therefore, to obtain habeas relief, petitioner must show that the disciplinary decision extended his confinement in some other manner.

Petitioner asserts that he "has been subjected to deprivation of certain rights, including loss of furlough opportunity and *possibly* halfway house transfer" as a result of his incident report. Ptn. at 3 (emphasis added). These assertions are insufficient to support petitioner's due process claim for two reasons. First, petitioner does not have a liberty interest in either halfway house placement or a furlough program. See, e.g., Bowser v. Vose, 968 F.2d 105, 106 (1st Cir. 1992) ("It is clear that the denial of a furlough implicates no inherent liberty interest.") (collecting cases); Asquith v. Department of Corrections, 186 F.3d 407, 412 (3d Cir. 1999) (removing inmate from halfway house did not deprive inmate of liberty interest); United States of America ex rel. Coca v. Henry, 1991 WL 164328, \*1 (N.D. Ill. 1991) (no liberty interest in being placed in halfway house). The Court of Appeals for the Seventh Circuit has held that in the absence of a protected liberty interest, prisoners are not entitled to due process protections at disciplinary hearings. Montgomery v. Anderson, 262 F.3d 641, 644 (7th Cir. 2001) (in absence of liberty interest, "the state is free

to use any procedures it chooses, or no procedures at all”). Consequently, petitioner has not shown that the decision of prison officials to find him guilty of a rule violation resulted in an extension of his custody in violation of the laws of the United States and his petition must be denied.

ORDER

IT IS ORDERED that Adnan Nabih Aldarawsheh’s petition for a writ of habeas corpus is DENIED.

Entered this 3rd day of April, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge