

TP

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Glenn Asa Murray, Jr.,  
Petitioner

v.

Pennsylvania Department  
of Corrections,

Respondent : No. 317 M.D. 2007

**Certified from the Record**

**PER CURIAM**

**ORDER**

AUG 20 2007

**and Order Ext**

Now, August 17, 2007, upon consideration of respondent's preliminary objection in the nature of a demurrer and petitioner's reply thereto, the demurrer is sustained, and the petition for review is dismissed.

This Court has no original jurisdiction over an inmate petition for review after a grievance or misconduct procedure in a case not involving a constitutional right not limited by the Department of Corrections. Weaver v. Department of Corrections, 829 A.2d 750 (Pa. Cmwith. 2003). Petitioner fails to identify a constitutional or statutory right that is being violated by respondent's standing count policy or its application of its inmate discipline procedure beyond his bare allegation that they are unconstitutional.

To the extent that petitioner's allegations may be interpreted as attempting to state a due process claim in connection with Policy DC-ADM 801's definition of "misconduct" and respondent's application of its inmate

discipline policy, the Constitution does not require strict adherence to administrative regulations; it requires compliance with minimal federal due process standards as outlined in Wolff v. McDonnell, 418 U.S. 539 (1997), and Sandin v. Conner, 515 U.S. 472 (1995), only when a protected liberty interest is at stake. Luckett v. Blaine, 850 A.2d 811 (Pa. Cmwlth. 2004). Internal prison operations are properly left to the legislative and executive branches; micromanagement of prisons by the courts is a squandering of judicial resources. Id. Petitioner similarly fails to allege facts that would demonstrate a substantial risk of harm to his health or safety.