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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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Paul J. Rogers,

Petitioner : :

v.

Jeffrey Beard, D.O.C., John
Palakovich, D.O.C., D. Briggs,
D.O.C., V. Kormanic, D.O.C.,

Respondents : : No 229 M.D. 2005

PER CURIAM

ORDER

Now, July 7, 2005, upon consideration of respondents' preliminary objection in the nature of a demurrer and petitioner's response, the demurrer is sustained, and the petition for review is dismissed.

The Constitution 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), 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. Luckett; Bronson v. Central Office Review Committee, 554 Pa. 317, 721 A.2d 357 (1998). Confinement in restricted custody does not impose an atypical and significant hardship in relation to ordinary prison life that would give rise to a protected liberty interest. Griffin v. Vaughn, 112 F.3d 703 (3d Cir. 1997); Singleton v. Lavan, 834 A.2d 672 (Pa. Cmwlth. 2003); Brown v. Blaine, 833 A.2d 1166 (Pa. Cmwlth. 2003).

Certified from the Record

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and Order Exit