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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Frederick T. Ray III,
Petitioner

v.

Jeffrey Beard,
Respondent : No. 463 M.D. 2007

PER CURIAM

ORDER

Now, December 4, 2007, upon consideration of respondent's preliminary objection to the petition for review, the objection is sustained, and the petition for review is dismissed.

Evaluating an inmate for custody level change is a matter of administrative discretion. Reider v. Bureau of Correction, 502 A.2d 272 (Pa. Cmwlth. 1985). Procedural due process rights are triggered by deprivation of a legally cognizable liberty interest. Brown v. Blaine, 833 A.2d 1166 (Pa. Cwlth. 2003). Confinement in administrative custody status does not impose an atypical and significant hardship in relation to the ordinary incidents of prison life; therefore, no liberty interest is implicated. Id.; Wilder v. Department of Corrections, 673 A.2d 30 (Pa. Cmwlth. 1996).

DEC 5 2007

Certified from the Record

DEC 5 2007

and Order Exit