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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Mark Wallace,	:	
	:	
Petitioner	:	
	:	
v.	:	
	:	
Warden James Wynder, SCI-Dallas	:	
et al.,	:	
Respondents	:	No. 126 M.D. 2005

PER CURIAM **ORDER**

Now, May 10, 2005, upon consideration of respondents' preliminary objections in the nature of a demurrer and alleging lack of original jurisdiction, and petitioner's response, the objections are sustained, and the petition for review is dismissed.

This court does not have original jurisdiction over an inmate petition for review after a grievance or misconduct proceeding except in cases involving constitutional rights not limited by the Department of Corrections. Bronson v. Central Office Review Committee, 554 Pa. 317, 721 A.2d 357 (1998); Kretchmar v. Department of Corrections, 831 A.2d 793 (Pa. Cmwlth. 2003). Changes in custody status do not implicate a protected liberty interest. Sandin v. Conner, 515 U.S. 472 (1995). An inmate has no right to participate in a prerelease program. Auberzinski v. Pennsylvania Board of Probation and Parole, 690 A.2d 776 (Pa. Cmwlth. 1997). Petitioner has failed to identify a legal right or protected liberty or property interest that would entitle him to the relief requested.

Petitioner's motion to amend caption is dismissed as moot.

Certified from the Record

MAY 11 2005

and Order Exit