

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted July 24, 2023*

Decided July 25, 2023

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-2980

JASPER FRAZIER,
Petitioner-Appellant,

Appeal from the United States District Court
for the Southern District of Indiana,
Indianapolis Division.

v.

No. 1:21-cv-01011-RLY-TAB

CHRISTINA REAGLE, Commissioner
of the Indiana Department of
Correction,
Respondent-Appellee.

Richard L. Young,
Judge.

Appendix A

* We have agreed to decide the case without oral argument because the briefs and
the facts and legal arguments, and oral argument would not

ORDER

Jasper Frazier, who is in the custody of the Indiana Department of Correction,¹ petitioned for a writ of habeas corpus to challenge disciplinary proceedings against him. The district court denied his petition. Several months later, the court granted Frazier's motion to reopen the appeal under Federal Rule of Appellate Procedure 4(a)(6) so that he could file a notice of appeal. Because Frazier did not timely request this relief, we dismiss this appeal for lack of jurisdiction.

In February 2021, Frazier was charged with possessing a deadly weapon—a six-inch piece of sharpened metal. According to the conduct report, Frazier admitted that the weapon was his, and he still concedes this, though he insists he needed it for self-defense. After a prison disciplinary hearing, a hearing officer found him guilty and revoked 180 days of good-time credit and demoted him to a lower time-earning class.

Frazier filed a petition for a writ of habeas corpus, *see* 28 U.S.C. § 2254, arguing that prison officials deprived him of due process in the disciplinary proceedings. He asserted generally that the proceedings did not comply with applicable policies, that the hearing officer was biased, and that the evidence of his guilt was insufficient.

On June 6, 2022, the district court denied Frazier's petition and issued a separate order of judgment. The public docket entry accompanying the judgment order states: "Mr. Frazier's petition for writ of habeas corpus is denied and the action is dismissed with prejudice." Seven days after the entry of judgment, the district court received a notice of change of address from Frazier.

On August 15, the court received correspondence from Frazier requesting a copy of the docket sheet, and it mailed him a copy the same day. On September 26, the court received another notice of change of address and request for the docket sheet. The next day, the court sent Frazier a copy. Another request for a docket sheet and "any latest rulings," dated October 3, arrived on October 11. The court again sent the docket sheet.

¹ Frazier is currently incarcerated in New Jersey under the Interstate Corrections Compact, which permits Indiana to contract with another state to house an Indiana prisoner. *See* IND. CODE § 11-8-4-3. But Indiana remains his state of custody, and its Department of Correction controls the dates of his release to parole or probation and of his discharge from custody. *See id.* § 11-8-4-6.

No. 22-2980

On October 20, the court received what Frazier titled a "Motion to Inform," reporting that he had never received the orders denying his petition and entering final judgment. He asked the court to reopen the time to appeal under Federal Rule of Appellate Procedure 4(a)(6). He also attached a copy of the docket sheet; based on the last entry and print date, it appears to be the copy the court mailed on September 27.

The district court granted the motion and treated it as Frazier's notice of appeal. The court stated that Frazier "assert[ed] that he did not receive notice of the judgment under Rule 77(d) of the Federal Rules of Civil Procedure, he filed his motion less than 180 days after the entry of judgment, and no party would be prejudiced."

We ordered the parties to submit supplemental briefing addressing the timeliness of the appeal. Frazier generally argues that the district court properly applied Rule 4(a)(6). The Commissioner asserts that the appeal was untimely because Frazier waited too long after learning of the judgment to file a motion to reopen.

Whether the district court permissibly reopened the time to appeal is a jurisdictional question that we must address before the merits. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 21 (2017). Frazier had 30 days to appeal the June 6 judgment. *See FED. R. APP. P. 4(a)(1)(A); RULES GOVERNING SECTION 2254 CASES*, Rule 11(b). (By operation of the prison mailbox rule, *see FED. R. APP. P. 4(c)*, Frazier needed to place the appeal in the prison's mail system within 30 days—the district court did not have to receive it within that timeframe.) His functional notice of appeal, which the court docketed on October 20 was, consequently, months late.

But under 28 U.S.C. § 2107(c), a district court may reopen a party's time to appeal, when the party did not receive timely notice of the judgment and other requirements are met. *See Hamer*, 138 S. Ct. at 19. Federal Rule of Appellate Procedure 4(a)(6), which implements § 2107(c), *see Bowles v. Russell*, 551 U.S. 205, 208 (2007), permitted the district court to grant Frazier's motion to reopen if, as relevant here, the motion was filed within the earlier of 180 days after the entry of judgment or 14 days from Frazier's receipt of "notice under Federal Rule of Civil Procedure 77(d)."

Here, this requirement was not met, and the district court therefore lacked the authority to reopen the time for appeal. *See Armstrong v. Louden*, 834 F.3d 767, 769–70 (7th Cir. 2016). The district court explained that "Frazier assert[ed] that he did not receive notice of the judgment under Rule 77(d)" and "he filed his motion less than 180 days after the entry of judgment." But Frazier did receive notice at some point: He attached to his motion to reopen a docket sheet that showed the entry of judgment, and *cc: [redacted] notice*. *See id.* at 768–69. Thus, even assuming that

Frazier did not learn in June that his petition had been denied, the only question would be whether he filed his motion within 14 days of receiving a copy of the docket sheet.

The district court did not address this question, but we need not remand for a factual finding because the record "permits only one finding." *Matter of Marchiando*, 13 F.3d 1111, 1114 (7th Cir. 1994). Frazier admits in both of his jurisdictional memoranda on appeal that he "received docket sheet September 26/27, 2022, when he first learn[ed] that the case was denied with prejudice." (Though the case number is wrong in his opening jurisdictional memorandum, he later gave September 27 again as the date he learned of the judgment.) Frazier further explains in his reply jurisdictional memorandum that, although he had learned about the judgment earlier, he did not realize he could appeal until he was transferred to a different prison in October and learned the rule from a fellow prisoner. But we presume that litigants are aware of legal rules. *See Pearle Vision, Inc. v. Romm*, 541 F.3d 751, 758 (7th Cir. 2008) (pro se litigants not excused from complying with procedural rules). Regardless, the 14-day period cannot be extended. *See Armstrong*, 834 F.3d at 770.

After learning of the judgment on September 27, Frazier needed to file his motion to reopen no later than October 11. Even with the benefit of the prison mailbox rule, *see* FED. R. APP. P. 4(c), the earliest possible date Frazier can be deemed to have filed his motion to reopen is October 17, which is too late. Because this motion—the functional notice of appeal—was untimely, we lack appellate jurisdiction.

DISMISSED

APPENDIX A

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

August 29, 2023

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-2980

JASPER FRAZIER,

Petitioner-Appellant,

v.

Appeal from the United
States District Court for
the Southern District of Indiana,
Indianapolis Division.

CHRISTINA REAGLE, Commissioner
of the Indiana Department of
Correction,

Respondent-Appellee.

No. 1:21-cv-01011-RLY-TAB

Richard L. Young, *Judge.*

ORDER

Petitioner-appellant filed a petition for rehearing and rehearing *en banc* on August 14, 2023. No judge in regular active service has requested a vote on the petition for rehearing *en banc*, and all members of the original panel have voted to deny panel rehearing. The petition for rehearing and rehearing *en banc* is therefore DENIED.

APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

FINAL JUDGMENT

July 25, 2023

Before

ILANA DIAMOND ROVNER, *Circuit Judge*
MICHAEL Y. SCUDDER, *Circuit Judge*
JOHN Z. LEE, *Circuit Judge*

No. 22-2980	JASPER FRAZIER, Petitioner - Appellant v. CHRISTINA REAGLE, Commissioner of the Indiana Department of Correction, Respondent - Appellee
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Originating Case Information:

District Court No: 1:21-cv-01011-RLY-TAB
Southern District of Indiana, Indianapolis Division
District Judge Richard L. Young

The appeal is DISMISSED, with costs, in accordance with the decision of this court entered on this date.

Clerk of Court

APPENDIX A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER L. FRAZIER,)
Petitioner,)
v.) No. 1:21-cv-01011-RLY-TAB
COMMISSIONER OF THE INDIANA)
DEPARTMENT OF CORRECTION,)
Respondent.)

**ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS
AND ENTRY DIRECTING FINAL JUDGMENT**

Jasper L. Frazier ("Mr. Frazier") filed a petition for a writ of habeas corpus challenging a New Castle Correctional Facility disciplinary proceeding identified as NCN 21-02-0008. For the reasons explained in this Order, Mr. Frazier's habeas petition is **denied**, and the **clerk is directed to enter final judgment** in Respondent's favor.

I. Overview

Prisoners in Indiana custody may not be deprived of good-time credits or of credit-earning class without due process. *Ellison v. Zatecky*, 820 F.3d 271, 274 (7th Cir. 2016); *Scruggs v. Jordan*, 485 F.3d 934, 939 (7th Cir. 2007); *see also Rhoiney v. Neal*, 723 F. App'x 347, 348 (7th Cir. 2018). The due process requirement is satisfied with: (1) the issuance of at least 24 hours advance written notice of the charge; (2) a limited opportunity to call witnesses and present evidence to an impartial decision-maker; (3) a written statement articulating the reasons for the disciplinary action and the evidence justifying it; and (4) "some evidence in the record" to support the finding of guilt. *Superintendent, Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 454 (1985); *see also Wolff v. McDonnell*, 418 U.S. 539, 563-67 (1974).

APPENDIX B

II. The Disciplinary Proceeding

On February 3, 2021, Sgt. B Worth issued a Report of Conduct charging Mr. Frazier with a violation of Code A 106 for possession of a deadly weapon. Dkt. 32-1. The Report of Conduct states:

On the above date and approx. time, I Sgt. Worth was inspecting property that belonged to Off. Frazier, J #114346. I found a wrist brace black in color. On the inside of the wrist brace was a 6 inch in length 1 inch in width piece of metal that was sharpened to a cutting edge on one side. I asked Off. Frazier if that was his wrist brace and he advised me that it was his. I then pulled the piece of metal out of the wrist brace and asked if that belonged to him as well. He advised me "ya, that's my knife." I again asked him if it belonged to him, he then again advised me "ya, that's my knife." The offender was notified of this conduct.

Id. On February 4, 2021, Mr. Frazier was notified of the charges, pleaded not guilty, and requested a copy of the property sheet from intake. Dkt. 32-6. Mr. Frazier also requested copies of videos from two different dates. Dkt. 32-10 at 1.

A hearing was held on February 10, 2021. Dkt. 32-11 at 1. Mr. Frazier stated

Someone is calling my home, hanging up, bothering my sister, Mr. Lane did not have nothing to do with it. The admin "did not do anything so I was going to settle it my way." "This rite here pushed me to the edge." Not guilty[.] [T]his could have prevented by the admin. but they did not do anything about it. I had no choice but to do what I did."

Id.

The evidence presented at the hearing included staff reports, a statement from Mr. Frazier, and other physical evidence (i.e., pictures, inventory sheets, Serious Incident Report).

Id. Based on this evidence, the disciplinary hearing officer ("DHO") found Mr. Frazier guilty of violating Code A 106. *Id.* The sanctions imposed included a deprivation of 180 days of earned credit time and one credit class demotion. *Id.*

On February 12, 2021, Mr. Frazier filed an appeal. Dkt. 32-12 at 1. The Facility Head denied the appeal. *Id.* and dkt. 32-13. Mr. Frazier filed an appeal with the Indiana Department

Appendix B

of Correction ("IDOC"), and on April 23, 2021, learned that appeal was also denied. Dkt. 32-14 at 1.

III. Analysis

Mr. Frazier asserts three grounds for relief: 1) prison officials violated prison policies (i.e., not following responding to grievances, improperly drafting incident reports), 2) he was denied an impartial decisionmaker, and 3) the photographic evidence was insufficient to sustain the guilty determination. Dkt. 1-1.

a. Prison Policies

Mr. Frazier alleges the prison official violated several prison policies during his proceeding. *Id.* Prison policies, regulations, or guidelines do not constitute federal law; instead, they are "primarily designed to guide correctional officials in the administration of a prison . . . not . . . to confer rights on inmates." *Sandin v. Conner*, 515 U.S. 472, 481-82 (1995). Therefore, claims based on prison policy, such as the ones at issue here, are not cognizable and do not form a basis for habeas relief. *See Keller v. Donahue*, 271 F. App'x 531, 532 (7th Cir. 2008) (rejecting challenges to a prison disciplinary proceeding because, "[i]nstead of addressing any potential constitutional defect, all of [the petitioner's] arguments relate to alleged departures from procedures outlined in the prison handbook that have no bearing on his right to due process"); *Rivera v. Davis*, 50 F. App'x 779, 780 (7th Cir. 2002) ("A prison's noncompliance with its internal regulations has no constitutional import—and nothing less warrants habeas corpus review."). Accordingly, Mr. Frazier's request for relief on this ground is denied.

b. Sufficiency of the Evidence

Mr. Frazier next alleges that the photographs used by the DHO were altered and therefore unreliable. Dkt. 1-1 at 9. Specifically, he alleges the metallic piece that was removed from the

APPENDIX B

wrist brace, which is said to have been converted into a weapon, looks light in one photograph, and looks dark in another. *Id.* Challenges to the sufficiency of the evidence are governed by the "some evidence" standard. "[A] hearing officer's decision need only rest on 'some evidence' logically supporting it and demonstrating that the result is not arbitrary." *Ellison*, 820 F.3d at 274; see *Eichwedel v. Chandler*, 696 F.3d 660, 675 (7th Cir. 2012) ("The some evidence standard . . . is satisfied if there is any evidence in the record that could support the conclusion reached by the disciplinary board.") (cleaned up). The "some evidence" standard is much more lenient than the "beyond a reasonable doubt" standard. *Moffat v. Broyles*, 288 F.3d 978, 981 (7th Cir. 2002). "[T]he relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." *Hill*, 472 U.S. at 455-56. The Conduct Report "alone" can "provide[] 'some evidence' for the . . . decision." *McPherson v. McBride*, 188 F.3d 784, 786 (7th Cir. 1999).

In this case, the Conduct Report provides some evidence for the hearing officer's decision. Dkt. 32-1. Additionally, the SIR description provides color photographs of the metallic object which, when positioned to showcase the knife-like edge, reflects light causing shading in certain areas. Dkt. 32-3 at 1-3. Accordingly, there is no basis for granting habeas relief.

c. Impartial Decision Maker

Lastly, Mr. Frazier challenges the impartiality of the DHO. Dkt. 2. A prisoner in a disciplinary action has the right to be heard before an impartial decisionmaker. *Hill*, 472 U.S. at 454. A "sufficiently impartial" decisionmaker is necessary in order to shield the prisoner from the arbitrary deprivation of his liberties. *Gaither v. Anderson*, 236 F.3d 817, 820 (7th Cir. 2000) (per curiam). Hearing officers "are entitled to a presumption of honesty and integrity" absent clear evidence to the contrary. *Piggie v. Cotton*, 342 F.3d 660, 666 (7th Cir. 2003); see *Perotti*

v. Marberry, 355 F. App'x 39, 43 (7th Cir. 2009) (citing *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). Indeed, the "the constitutional standard for impermissible bias is high," and hearing officers "are not deemed biased simply because they presided over a prisoner's previous disciplinary proceeding" or because they are employed by IDOC. *Piggie*, 342 F.3d at 666. Instead, hearing officers are impermissibly biased when, for example, they are "directly or substantially involved in the factual events underlying the disciplinary charges, or in the investigation thereof." *Id.* at 667.

In this case, Mr. Frazier has not alleged that the hearing officer participated in the investigative stage of the alleged offense. In fact, Mr. Frazier asserts, without explanation or evidence, that the DHO was not impartial. Dkts. 1-1 at 8. Since he has not presented clear evidence to overcome the presumption of honesty and integrity given to hearing officers, Mr. Frazier cannot obtain relief. *Piggie*, 342 F.3d at 666.

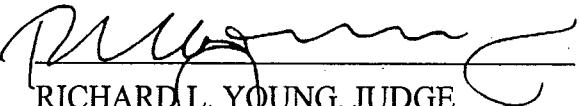
IV. Conclusion

"The touchstone of due process is protection of the individual against arbitrary action of the government." *Wolff*, 418 U.S. at 558. There was no arbitrary action in any aspect of the charge, disciplinary proceedings, or sanctions involved in the events identified in this action, and there was no constitutional infirmity in the proceeding which entitles Mr. Frazier to the relief he seeks. Accordingly, Mr. Frazier's petition for a writ of habeas corpus must be **DENIED**. This action is **DISMISSED**.

Judgment consistent with this Order shall now issue.

IT IS SO ORDERED.

6/06/2022


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution:

JASPER L. FRAZIER
000799545B
EAST JERSEY STATE PRISON
East Jersey State Prison
LockBag R
Rahway, NJ 07065

David A. Arthur
INDIANA ATTORNEY GENERAL
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Appendix B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER L. FRAZIER,

Petitioner,

v.

COMMISSIONER OF THE INDIANA
DEPARTMENT OF CORRECTION,

Respondent.

) No. 1:21-cv-01011-RLY-TAB

FINAL JUDGMENT

The Court now enters FINAL JUDGMENT in favor of the respondent and against the petitioner, Jasper L. Frazier.

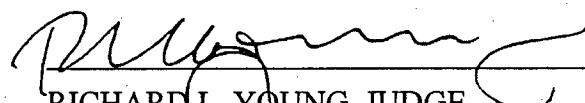
Mr. Frazier's petition for writ of habeas corpus is denied and the action is dismissed with prejudice.

6/06/2022

Roger A.G. Sharpe, Clerk

BY: Dina M. Dafe

Deputy Clerk, U.S. District Court



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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v. Marberry, 355 F. App'x 39, 43 (7th Cir. 2009) (citing *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). Indeed, the "the constitutional standard for impermissible bias is high," and hearing officers "are not deemed biased simply because they presided over a prisoner's previous disciplinary proceeding" or because they are employed by IDOC. *Piggie*, 342 F.3d at 666. Instead, hearing officers are impermissibly biased when, for example, they are "directly or substantially involved in the factual events underlying the disciplinary charges, or in the investigation thereof." *Id.* at 667.

In this case, Mr. Frazier has not alleged that the hearing officer participated in the investigative stage of the alleged offense. In fact, Mr. Frazier asserts, without explanation or evidence, that the DHO was not impartial. Dkts. 1-1 at 8. Since he has not presented clear evidence to overcome the presumption of honesty and integrity given to hearing officers, Mr. Frazier cannot obtain relief. *Piggie*, 342 F.3d at 666.

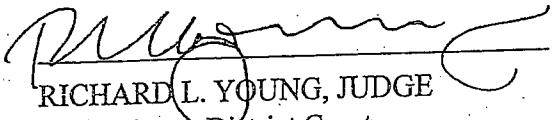
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"The touchstone of due process is protection of the individual against arbitrary action of the government." *Wolff*, 418 U.S. at 558. There was no arbitrary action in any aspect of the charge, disciplinary proceedings, or sanctions involved in the events identified in this action, and there was no constitutional infirmity in the proceeding which entitles Mr. Frazier to the relief he seeks. Accordingly, Mr. Frazier's petition for a writ of habeas corpus must be **DENIED**. This action is **DISMISSED**.

Judgment consistent with this Order shall now issue.

IT IS SO ORDERED.

6/06/2022


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Appendix B

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER L. FRAZIER,)
Petitioner,)
v.) No. 1:21-cv-01011-RLY-TAB
COMMISSIONER OF THE INDIANA)
DEPARTMENT OF CORRECTION,)
Respondent.)

Order Reopening Time to Appeal and Directing Clerk to Process Appeal

Plaintiff Jasper Frazier's petition for a writ of habeas corpus was denied on June 6, 2022, and final judgment was entered. Dkt. 96, 97. On October 20, 2022, the Court received from Mr. Frazier a motion to inform in which he states that he did not receive notice of the judgment and requests an extension of time to appeal.

Rule 4(a)(6) of the Federal Rules of Civil Procedure provides that the court may reopen the time to file an appeal if:

(A) the court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77 (d) of the entry of the judgment or order sought to be appealed within 21 days after entry;

(B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77 (d) of the entry, whichever is earlier; and

(C) the court finds that no party would be prejudiced.

The court finds that because Mr. Frazier asserts that he did not receive notice of the judgment under Rule 77(d) of the Federal Rules of Civil Procedure, he filed his motion less than 180 days after the entry of judgment, and no party would be prejudiced, the requirements have been met here. Accordingly, the motion to inform, dkt. [102], is **GRANTED** and the court will

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reopen the time to file a notice of appeal. To ensure that Mr. Frazier is able to file a timely appeal, the clerk is directed to treat the motion to inform, dkt. [102], as his notice of appeal.

IT IS SO ORDERED.

Date: 11/01/2022


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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APPENDIX B

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 14, 2023

By the Court:

No. 22-2980

JASPER FRAZIER,
Petitioner-Appellant,

v.

CHRISTINA REAGLE, Commissioner
of the Indiana Department of
Correction,
Respondent-Appellee.

Appeal from the United
States District Court
for the Southern District
of Indiana, Indianapolis
Division.

No. 1:21-cv-01011-RLY-TAB

Richard L. Young,
Judge.

ORDER

On consideration of the papers filed by the parties, addressing this court's order of November 3, 2022, concerning appellate jurisdiction,

IT IS ORDERED that this appeal shall proceed to briefing.

The briefing schedule is as follows:

1. The petitioner-appellant shall file his brief and required short appendix on or before April 24, 2023.
2. The respondent-appellee shall file her brief on or before May 24, 2023.
3. The petitioner-appellant shall file his reply brief, if any, on or before June 14, 2023.

Appendix B

IT IS FURTHER ORDERED that the parties fully address in their respective briefs whether, in light of her failure to file a notice of appeal, appellee may challenge the district court's finding, in its order of November 1, 2022, "that because Mr. Frazier asserts that he did not receive notice of the judgment under Rule 77(d) of the Federal Rules of Civil Procedure, he filed his motion less than 180 days after the entry of judgment, and no party would be prejudiced, the requirements [of Federal Rule of Appellate Procedure 4(a)(6)] have been met here."

Important Scheduling Notice!

Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. *See* Cir. R. 34(b)(3). The court's calendar is located at <http://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. *See* Cir. R. 34(b)(4), (e).

Appendix B

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

August 23, 2023

By the Court:

No. 22-2980	JASPER FRAZIER, Petitioner - Appellant v. CHRISTINA REAGLE, Commissioner of the Indiana Department of Correction, Respondent - Appellee
Originating Case Information: District Court No: 1:21-cv-01011-RLY-TAB Southern District of Indiana, Indianapolis Division District Judge Richard L. Young	

The following are before the court:

1. MOTION TO RESEND FINAL DECISION, filed on August 21, 2023, by pro se Appellant Jasper Frazier.
2. MOTION TO VERIFY MOTION FOR EN BANC RULE 35(a) 40(a), filed on August 21, 2023, by pro se Appellant Jasper Frazier.

A review of the court's docket shows that on August 14, 2023, the clerk received and accepted for filing the appellant's petition for rehearing en banc. The clerk shall send the appellant a copy of this court's order dated July 25, 2023, and a copy of the court's public docket.

form name: c7_Order_BTC (form ID: 178)

APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT



Everett McKinley Dirksen
United States Courthouse
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Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
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ORDER

January 11, 2023

By the Court:

No. 22-2980	JASPER FRAZIER, Petitioner - Appellant v. CHRISTINA REAGLE, Commissioner of the Indiana Department of Correction, Respondent - Appellee
-------------	--

Originating Case Information:

District Court No: 1:21-cv-01011-RLY-TAB
Southern District of Indiana, Indianapolis Division
District Judge Richard L. Young

Upon consideration of the MOTION TO CLARIFY, filed on January 9, 2023, by the pro se appellant,

IT IS ORDERED that the motion is GRANTED. A review of the court's docket shows that on December 29, 2022, this court received confirmation from the district court that the appellant paid the \$34.20 initial partial filing fee. Briefing in this appeal remains suspended pending resolution of the jurisdictional issue raised in this court's order dated November 3, 2022.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER FRAZIER,

Plaintiff,

No. 1:23-cv-01135-TWP-MG

v.

ROBERT E. CARTER, et al.,

Defendants.

ORDER ON MOTION TO PROCEED IN FORMA PAUPERIS

The *pro se* plaintiff's motion for acceptance of 6 month account balance, dkt. [3], is GRANTED. In addition, his motion to proceed *in forma pauperis*, dkt. [2], is GRANTED to the extent that the plaintiff is assessed an initial partial filing fee of Eighty-Four Dollars and Thirty-Five Cents (\$84.35). See 28 U.S.C. § 1915(b)(1). The plaintiff shall have through August 4, 2023, in which to pay this sum to the clerk of the district court.

The plaintiff is informed that after the initial partial filing fee is paid, he will be obligated to make monthly payments of 20 percent of the preceding month's income each month that the amount in his account exceeds \$10.00, until the full filing fee of \$350.00 is paid. 28 U.S.C. § 1915(b)(2). After the initial partial filing fee is received, a collection order will be issued to the plaintiff and the plaintiff's custodian, and the Court will screen the complaint in accordance with

28 U.S.C. § 1915A.

IT IS SO ORDERED.

Date: 7/7/2023

Tanya Walton Pratt
Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

Distribution:

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