

Under 28 U.S.C. § 1915A, the Court is required to conduct a prompt threshold review of the complaint. Accepting Plaintiff’s allegations as true, the Court finds that Plaintiff has not articulated a colorable federal claim against either Defendant.

No constitutional right is implicated by the labeling of Plaintiff as sexual predator. For the due process clause to be applicable, there must be a protected liberty interest that is being infringed upon. *Meachum v. Fano*, 427 U.S. 215, 223-24 (1976). Not every action that carries with it negative consequences creates a liberty interest. *Moody v. Daggett*, 429 U.S. 78, 86-88 (1976). “[P]risoners possess neither liberty nor property in their classifications and prison assignments. States may move their charges to any prison in the system.” *DeTomaso v. McGinnis*, 970 F.2d 211, 212 (7th Cir. 1992) (citing *Montanye v. Haymes*, 427 U.S. 236 (1976)). *See also Meachum v. Fano*, 427 U.S. 215, 224 (1976) (the Constitution does not guarantee placement in a particular prison).¹ Further, Plaintiff has no constitutional right to participate in a drug rehab program, vocational training, or a work program. *DeTomaso*, 970 F.2d at 212-213. Therefore, the fact that Plaintiff’s status as a predator may make him ineligible for such programs is of no constitutional significance.

Plaintiff’s claim that prison officials did not follow an Administrative Directive in labeling him as a predator does not state a federal claim that can be pursued in a case brought under Section

¹The caveat to this rule – involving transfer or assignment to a prison where the conditions impose “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life” – does not apply here, where the transfer decision does not involve Tamms Correctional Center, the closed maximum security prison (i.e., supermax prison) in Illinois. *See Westefer v. Neal*, 682 F.3d 679 (7th Cir. 2012), citing *Wilkinson v. Austin*, 545 U.S. 209 (2005).

1983. Failure to follow state rules or statutes does not violate Plaintiff's federal constitutional rights. ***Thompson v. City of Chicago*, 472 F.3d 444, 454-455 (7th Cir. 2006).**

Lastly, plaintiff's allegations concerning the grievance process, the lack of response to his grievances and letters, and the Administrative Review Board's erroneous denial of a grievance do not state a claim. A "state's inmate grievance procedures do not give rise to a liberty interest protected by the due process clause." ***Antonelli v. Sheahan*, 81 F.3d 1422, 1430 (7th Cir. 1995).** The Constitution requires no procedure at all, and the failure of prison officials to follow their own procedures does not, of itself, violate the Constitution. ***Maust v. Headley*, 959 F.2d 644, 648 (7th Cir. 1992); *Shango v. Jurich*, 681 F.2d 1091 (7th Cir. 1982).** Further, denying a grievance does not violate the Constitution and cannot form the basis for a claim under Section 1983. ***George v. Smith*, 507 F.3d 605, 609-610 (7th Cir. 2007).**

Pending motions

Plaintiff's motion for appointment of counsel (**Doc. 3**) is **DENIED** as moot.

Plaintiff's Motion for Leave to Proceed in Forma Pauperis (**Doc. 2**) will be ruled on in due course.

Disposition

IT IS HEREBY ORDERED that Plaintiff's complaint is **DISMISSED** with prejudice.

Plaintiff is **ADVISED** that this dismissal shall count as one of his allotted "strikes" under the provisions of 28 U.S.C. § 1915(g). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee remains due and payable. *See* 28 U.S.C. § 1915(b)(1); ***Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).**

The Clerk shall **CLOSE THIS CASE** and enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 23, 2012.

s/ G. Patrick Murphy
G. PATRICK MURPHY
United States District Judge