

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 01-11338-RWZ

WILLIAM SANTIAGO

v.

NESTOR CRUZ, et al.

SUPPLEMENT TO MEMORANDUM OF DECISION DATED 6/14/04

February 28, 2005

ZOBEL, D.J.

Plaintiff, a prisoner, complained that disciplinary proceedings were improperly instituted against him. As a result, he suffered a period of 28 days in “awaiting action status” in the prison’s Special Management Unit before the charges were dismissed. Except for a question concerning the loss of Good Time, I earlier denied plaintiff’s motion for summary judgment and granted defendants’ motion for summary judgment. The specific issue left open was plaintiff’s claim that defendants’ actions caused him to lose 7.5 days of Good Time, and I ordered defendants to either file a statement explaining why plaintiff is not entitled to the Good Time or that he had been granted such. Defendants filed a Memorandum of Law Opposing the Granting of Earned Good Time To Plaintiff.

Defendants point out that there is no constitutional right to good-time credits nor is there a statutory right to the opportunity to earn good-time credits. Haverty v. Commissioner of Correction, 792 N.E.2d 989, 992 (Mass. 2003). Furthermore, it is not

clear that plaintiff would have, in fact, earned the full 7.5 days of good-time credit during those 28 days. Attachment A to defendants' memorandum, an Earned Time History Report, shows that from October 1, 2000 through October 31, 2001, plaintiff earned a total of 7.5 hours of good-time credit for the entire year. Finally, defendants correctly state that the Court cannot, in any event, award good-time credit as equitable relief. Id. at 995. Therefore, plaintiff is not entitled to receive 7.5 days of good-time credit.

Accordingly, defendants' motion for summary judgment is now allowed as to all claims. Judgment may be entered for defendants.

DATE

/s/ Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE