

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

FILED
COURT OF APPEALS
DIVISION II

2016 MAR 10 AM 11:30

STATE OF WASHINGTON

BY *[Signature]*
DEPUTY

No. 482932-II

ORDER DISMISSING PETITION

In re the
Personal Restraint Petition of

MICHAEL J. CANTY,

Petitioner.

Michael J. Canty seeks relief from personal restraint imposed following the Department of Corrections' alleged refusal to consider his proposed plan for release from incarceration. Canty contends that that the Department is statutorily required to assist him in developing, and to meaningfully consider, a plan for his release into the community.

To be entitled to relief through a personal restraint petition, Canty must show that he is under restraint and that the restraint is unlawful. RAP 16.4(a); *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 149 (1994). Additionally, Canty must support his claims of error with a statement of facts on which his claim of unlawful restraint is based and the evidence available to support his factual allegations; he cannot rely solely on conclusory allegations. RAP 16.7(a)(2); *In re Pers. Restraint of Williams*, 111 Wn.2d 353, 365 (1998); *see also In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813-14 (1990).

Even assuming that Canty is correct regarding the Department's statutory obligation to assist him in developing and considering a release plan, Canty fails to

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16.11 (v) *[Signature]*

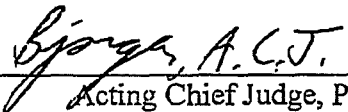
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identify any evidence, beyond his own unsworn assertions, that the Department has failed to do so.

Accordingly, it is hereby

ORDERED that this petition is dismissed under RAP 16.11(b).

DATED this 10th day of March, 2016.



Acting Chief Judge, Pro Tem

cc: Michael J. Canty
Clark County Clerk
County Cause No(s). 01-1-01416-1
Timothy N. Lang, Department Of Corrections