

FILED
Feb 09, 2022
Court of Appeals
Division III
State of Washington

COURT OF APPEALS, DIVISION III, STATE OF WASHINGTON

**In the Matter of the Personal Restraint
of:**

AMEL DALLUGE,

Petitioner.

No. 38322-9-III

**ORDER DISMISSING PERSONAL
RESTRAINT PETITION**


Petitioner Amel Dalluge seeks relief from action by the Department of Corrections that allegedly resulted in a loss of good time credit without due process of law.

Mr. Dalluge contends that on multiple occasions the Department has taken earned time from him without notice, a hearing, or an opportunity to present evidence. By way of example, he produced two records concerning credits for his commitment under Grant County Cause No. 18-1-00315-9. First, a March 15, 2021, letter from the Department notified Mr. Dalluge that his earned time credits had been adjusted, impacting his earned release date to his detriment by 36 days, based upon his ineligibility to receive credit for days spent in jail on another cause when he was pending sentencing for Grant County

Cause No. 18-1-00315-9. Second, an “OMNI: Earned Time Not Earned Report” dated April 5, 2021, concerning his commitment under Grant County Cause No. 18-1-00315-9, shows he received no earned time from March 1, 2021, to April 1, 2021, which amounts to 5.17 days not earned, because he was in segregation. Petition, Exhibit 1. Mr. Dalluge completed his sentence under Cause No. 18-1-00315-9 and was released from confinement on January 10, 2022.

To obtain relief in a personal restraint petition, a petitioner must show he is under restraint and that the restraint is unlawful. RAP 16.4(a); *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994). Mr. Dalluge cannot show he is under restraint, given his release from confinement. Even if he could establish restraint, his petition cites no legal basis for his argument that he was entitled to any earned time he did not receive or to due process. The petition, therefore, fails to satisfy RAP 16.4(a)’s threshold standards and is frivolous. *In re Khan*, 184 Wn.2d 679, 686-87, 363 P.3d 577 (2015) (defining “frivolous”).

Accordingly, IT IS ORDERED, Mr. Dalluge’s petition is dismissed. RAP 16.4(a); RAP 16.11(b).


LAUREL SIDDOWAY
ACTING CHIEF JUDGE