

*The Court of Appeals
of the
State of Washington*

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
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CASE #: 74502-6-1
Personal Restraint Petition of Jamal James Ellis

Counsel:

Enclosed please find a copy of the Order Dismissing Personal Restraint Petition entered by this court in the above case today.

Pursuant to RAP 16.14(c), "the decision is subject to review by the Supreme Court only by a motion for discretionary review on the terms and in the manner provided in Rule 13.5A."

This court's file in the above matter has been closed.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

CMR

enclosure

16.14
saved
2-29-16

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

IN THE MATTER OF THE)	
PERSONAL RESTRAINT OF:)	No. 74502-6-1
)	
JAMAL JAMES ELLIS,)	
)	ORDER OF DISMISSAL
_____ Petitioner.)	

Jamal Ellis filed this personal restraint petition challenging the alleged failure of the Department of Corrections (DOC) to restore lost good conduct time to which he believes he is entitled. In order to obtain relief in this setting, Ellis must demonstrate that he is being “restrained under RAP 16.4(b) and that the restraint is unlawful under RAP 16.4(c).” In re Pers. Restraint of Grantham, 168 Wn.2d 204, 227 P.3d 285, 290 (2010) (quoting In re Pers. Restraint of Isadore, 151 Wn.2d 294, 298, 88 P.3d 390 (2004)). Because Ellis fails to meet this burden, his petition is dismissed.

On October 28, 2014, Ellis completed a six-hour class entitled Getting It Right while housed at Clallam Bay Corrections Center. Ellis contends that his completion of the class entitles him to have a portion of his good conduct time – previously lost following prison disciplinary proceedings – to be restored. But Ellis fails to support his claims of a due process or ex post facto violation with any argument or relevant authority. Moreover, it appears that the class to which Ellis refers does not qualify for restoration of good conduct time under either DOC Policy 350.100 or Ellis’s individualized good conduct restoration plan.

No. 74502-6-1/2

Because Ellis makes no showing that his restraint is unlawful, the petition is dismissed. Now, therefore, it is hereby

ORDERED that the personal restraint petition is dismissed under RAP

16.11(b).

Done this 29th day of July, 2016

Trickey, ACJ
Acting Chief Judge

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STATE OF WASHINGTON
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