

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**

**For the Seventh Circuit**

**Chicago, Illinois 60604**

Submitted July 17, 2025\*

Decided July 17, 2025

**Before**

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-3188

DANIEL C. STANTON, JR.,  
*Petitioner-Appellant,*

*v.*

RON NEAL,  
*Respondent-Appellee.*

Appeal from the United States District  
Court for the Northern District of  
Indiana, South Bend Division

No. 3:24-CV-382-GSL-JEM

Gretchen S. Lund,  
*Judge.*

**ORDER**

Daniel Stanton, an Indiana prisoner, lost 180 days of accumulated good-time credit and was demoted to a lower credit-earning class as punishment for an incident involving his battery of a prison officer. He filed a petition for a writ of habeas corpus,

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\* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

*see* 28 U.S.C. § 2254, arguing that he had been denied the right to due process in the disciplinary proceeding. The district court denied the petition. We affirm.

In September 2023, after an altercation between Stanton and other inmates, Stanton was placed in a holding area. When officers arrived to move Stanton to a new dorm, Stanton resisted, insisting that the officers place him in protective custody. An officer then wrote a conduct report charging Stanton with battery against a staff member. IND. DEP'T OF CORR., ADULT DISCIPLINARY PROCESS, CODE NO. 117 (2023). The procedure manual defines battery as “[k]nowingly or intentionally touching another person in a rude, insolent or angry manner; or in a in a rude, insolent, or angry manner placing any bodily fluid or bodily waste on another person.” *See* IND. DEP'T OF CORR., ADMIN. P. No. 02-04-101, § III(F) (2023). The officer's report stated that Stanton had resisted officers' attempt to move him, became “combative,” and injured her hand. After receiving copies of the conduct report and notice of the charge and upcoming hearing, Stanton signed a form entering a plea of not guilty and requested a lay advocate. On that form, Stanton did not request any witnesses or physical evidence.

The next month a disciplinary hearing officer held a hearing. Although the hearing report says that Stanton was present and stated, “I didn't do it,” Stanton asserts that he was not at the hearing. The hearing officer found Stanton guilty based on the conduct report, a photograph of the officer's hand injury, and Stanton's statement. As a sanction, Stanton lost 180 days of accumulated good-time credit and was demoted one credit-earning class. Stanton's administrative appeals were denied.

After exhausting his administrative remedies, Stanton filed a petition for a writ of habeas corpus, 28 U.S.C. § 2254, arguing that he was deprived of liberty without due process. Specifically, Stanton asserted that inadequate evidence supported the finding of guilt and that prison officials improperly held the disciplinary hearing without him. The district court denied the petition, concluding that there was some evidence of Stanton's guilt and any error related to Stanton's presence at the hearing was harmless.

Stanton appeals. We review the denial of his petition *de novo*. *Love v. Vanihel*, 73 F.4th 439, 445 (7th Cir. 2023), *cert. denied Love v. Neal*, 145 S. Ct. 138 (2024).

On appeal, Stanton maintains that insufficient evidence supported the finding of guilt. Stanton has a liberty interest in his good-time credit and his credit-earning class, so he is entitled to due process before either can be taken away. *See Wolff v. McDonnell*, 418 U.S. 539, 557 (1974); *Ellison v. Zatecky*, 820 F.3d 271, 274 (7th Cir. 2016); *Piggie v.*

*Cotton*, 344 F.3d 674, 677 (7th Cir. 2003). This right requires only that the decision of the hearing officer be supported by “some evidence.” *Jones v. Cross*, 637 F.3d 841, 849 (7th Cir. 2011) (quoting *Scruggs v. Jordan*, 485 F.3d 934, 941 (7th Cir. 2007)). Reviewing a decision for some evidence “does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence.” *Superintendent v. Hill*, 472 U.S. 445, 455–56 (1985). Rather, we must determine only whether the decision is supported by some factual basis. *See id.*; *McPherson v. McBride*, 188 F.3d 784, 786 (7th Cir. 1999). Here, the conduct report alone provides “some evidence” to support the hearing officer’s decision. *See McPherson*, 188 F.3d at 786 (concluding that description in disciplinary report is “some evidence”). The report describes the incident and infraction in sufficient detail, stating that Stanton “began to resist” when officers attempted to move him, became “combative,” and injured the officer’s hand. This is sufficient to support the finding that Stanton knowingly touched an officer in a rude, insolent, or angry manner.

Stanton raises two counterarguments. First, he says that his absence from the hearing prevented him from refuting the officer’s conduct report. But we agree with the district court that any error related to Stanton’s absence from the hearing would be harmless. *See Jones*, 637 F.3d at 846–47 (applying harmless-error analysis in prison disciplinary context). Stanton states that had he attended the hearing, he would have denied committing the battery. But Stanton’s denial was noted by the hearing officer, and Stanton provides no further detail about what his testimony might have been or how it would have aided his defense.

Second, Stanton asserts that prison officials withheld photo and video evidence that would have invalidated the report. Stanton would be entitled to view exculpatory evidence so that he could prepare an adequate defense and ensure the hearing officer considered all relevant evidence. *See Piggie*, 344 F.3d at 678. But Stanton never raised this argument in the administrative appeal process, so it is procedurally defaulted. *Love*, 73 F.4th at 446. Even if he had preserved this argument, however, nothing in the record suggests that any other evidence related to the incident existed. Indeed, on the form providing notice of the hearing, Stanton did not request any physical evidence or ask to present any witnesses.

Finally, Stanton argues for the first time on appeal that the hearing officer misunderstood the elements of the offense. Specifically, he says that battery against a staff member requires the use of a weapon or serious bodily injury, and prison officials presented no evidence to prove those elements. But Stanton waived this argument by

failing to raise it in the district court. *Bradley v. Vill. of Univ. Park, Ill.*, 59 F.4th 887, 897 (7th Cir. 2023). In any event, Stanton is incorrect about the elements of the offense. Battery requires only a knowing or intentional touch in a rude, insolent or angry manner. Prison officials were not required to prove that Stanton committed the battery with a weapon or that his actions caused serious injury.

AFFIRMED