

NONPRECEDENTIAL DISPOSITION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 February 2, 2026*

Decided February 2, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-1124

MARKANTHONY M. HARRIS,
Plaintiff-Appellant,

v.

JEREMY WILTZIUS, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 22-CV-715

Nancy Joseph,
Magistrate Judge.

ORDER

Markanthony Harris, a Wisconsin prisoner, appeals the summary judgment rejecting his claim that prison officials violated his right to due process under the Fourteenth Amendment during his prison disciplinary proceedings. *See* 42 U.S.C.

* 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).

§ 1983. Because the district court correctly concluded that the discipline Harris received did not deprive him of a constitutionally protected liberty interest, we affirm.

We consider the facts in the light most favorable to Harris, the party opposing summary judgment. *Moore v. W. Ill. Corr. Ctr.*, 89 F.4th 582, 590 (7th Cir. 2023). In November 2021, Harris, a prisoner at Kettle Moraine Correctional Institution in Plymouth, Wisconsin, received a conduct report after an investigation revealed that he was receiving in the mail K2, a synthetic cannabinoid, and that he was associated with a prison gang. Harris waived his right to a disciplinary hearing and was found guilty of four violations. The prison imposed 60 days' disciplinary segregation (but Harris spent only 37 days in the Restrictive Housing Unit) and restrictions on in-person visits.

In February 2022, prison officials learned from confidential informants that Harris again had K2 and was distributing it between prison housing units. Harris received another conduct report, alleging that he violated the prison rule against possession of intoxicants and the rule against enterprises and fraud.

Harris requested a disciplinary hearing. He asked that two prisoners testify on his behalf, and he sought copies of the statements from the confidential informants. But Captain Ross Hoffman denied Harris's requests. Hoffman explained that the witness testimony would be cumulative and disclosure of the statements would pose a substantial risk of harm to the informants.

Captain Christopher Osgood held the disciplinary hearing in March 2022. Officer Denise Doying was present at the hearing as a security officer but did not participate. Osgood found Harris guilty on both counts and imposed 90 days' disciplinary segregation. Because of the seriousness of the violations and Harris's disciplinary history, Osgood referred Harris to the classification committee.

At his reclassification hearing, Harris requested to leave Kettle Moraine (a medium-security prison) and to be transferred back to a maximum-security prison. The committee unanimously agreed that Harris should be returned to a maximum-security prison. So in April 2022, Harris was transferred to Green Bay Correctional Institution, where he had been incarcerated prior to his transfer to Kettle Moraine. He was confined in disciplinary segregation at Kettle Moraine for 38 days before his transfer.

Before his transfer to Green Bay, Harris had been on the waitlist for programs related to substance abuse disorders, cognitive behavioral therapy, anger management, and job training. He alleged that his transfer delayed his participation in the programs.

Harris sued the officers involved in his disciplinary proceedings, alleging that their denial of his requests for witnesses and informant statements violated the Due Process Clause of the Fourteenth Amendment. *See* 42 U.S.C. § 1983.

The defendants moved for summary judgment, and the district court granted the motion. To succeed on his due process claim, Harris needed to demonstrate both “the deprivation of a liberty interest” and that “the procedures he was afforded were constitutionally deficient.” *See Lisle v. Welborn*, 933 F.3d 705, 720 (7th Cir. 2019). The district court agreed with the defendants that the imposition of 90 days’ disciplinary segregation and the transfer to Green Bay did not implicate a protected liberty interest. Accordingly, the court did not consider whether the disciplinary proceedings satisfied due process.

On appeal, Harris argues that he was deprived of a constitutionally protected liberty interest because he was transferred to a maximum-security prison, where he faced harsher living conditions and additional restrictions on his movement. But his transfer does not implicate a protected liberty interest. *See Wilkinson v. Austin*, 545 U.S. 209, 221–22 (2005); *Holleman v. Zatecky*, 951 F.3d 873, 881 (7th Cir. 2020) (citing *Meachum v. Fano*, 427 U.S. 215, 225 (1976)) (“[A] prisoner does not have a constitutionally protected interest in his assignment to a particular prison.”). In any event, Harris does not dispute that he requested the transfer back to a maximum-security institution, so his argument that he was denied due process before his transfer is frivolous.

Next, Harris maintains that he was deprived of a constitutionally protected liberty interest because his transfer delayed his participation in prison programming for substance abuse disorders, cognitive behavioral therapy, anger management, and job training. Completion of these programs, he contends, could support a petition for a sentence adjustment. *See* WIS. STAT. § 973.195(1r)(b)(1). But his assertion that the programs are less accessible at Green Bay does not implicate a protected liberty interest. *See Zimmerman v. Tribble*, 226 F.3d 568, 571 (7th Cir. 2000) (explaining that the denial of access to educational, rehabilitative, or vocational programs does not infringe on a protected liberty interest). Regardless, Harris does not dispute that he remains on the waitlist for these programs and could still complete them at Green Bay.

In the remainder of his brief, Harris argues prison officers violated his right to due process when they refused to allow his witnesses and to disclose the informant statements. But because Harris was not deprived of a protected liberty interest, we will not address whether the hearing procedures were constitutionally deficient. *See Lisle*, 933 F.3d at 720.