

**NOTICE**

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

**FILED**

May 9, 2017  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2017 IL App (4th) 160360-U

NO. 4-16-0360

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

STEVEN LISLE,	)	Appeal from
Plaintiff-Appellant,	)	Circuit Court of
v.	)	Livingston County
RANDY PFISTER, TERRI ANDERSON, KIM	)	No. 15MR188
BUTLER, and GUY PIERCE,	)	
Defendants	)	Honorable
(Michael P. Melvin, Warden at Pontiac Correctional	)	Jennifer H. Bauknecht,
Center; and Terri Anderson, on Behalf of the Adminis-	)	Judge Presiding.
trative Review Board, Defendants-Appellees).		

JUSTICE STEIGMANN delivered the judgment of the court.  
Justices Harris and Pope concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* The appellate court concluded that the trial court correctly dismissed plaintiff's petition for writ of *mandamus* for failure to plead a cause of action.
- ¶ 2 Plaintiff, Steven Lisle, an inmate in the custody of the Illinois Department of Corrections (DOC) at Pontiac Correctional Center (Pontiac), is serving consecutive prison terms of 10 years and 27 years for aggravated battery with a firearm (720 ILCS 5/12-4.2(a)(1) (West 2002)) and first degree murder (720 ILCS 5/9-1(a)(2) (2002)), respectively.
- ¶ 3 In November 2015, Lisle *pro se* filed a petition for writ of *mandamus* under article 14 of the Code of Civil Procedure (Civil Code) (735 ILCS 5/14-101 to 14-109 (West 2014)), raising numerous claims against defendants, Randy Pfister (former warden of Pontiac), Terri Anderson (former chairperson of DOC's Office of Inmate Issues), Kimberly Butler (former warden of Menard Correctional Center (Menard)), and Guy Pierce (former Pontiac warden). Specif-

ically, Lisle alleged that defendants (1) did not follow proper grievance procedures; (2) were deliberately indifferent to his mental-health needs; and (3) conducted improper disciplinary hearings, which resulted in disciplinary actions being imposed against him.

¶ 4 In December 2015, defendants, through the Attorney General of the State of Illinois, filed a motion to dismiss Lisle's *mandamus* petition under section 2-615 of the Civil Code (735 ILCS 5/2-615 (West 2014)). Following an April 2016 hearing, the trial court granted defendants' motion and dismissed Lisle's *mandamus* petition. The Attorney General notes that Pontiac's current warden, Michael P. Melvin, is substituted for Randy Pfister by operation of law (735 ILCS 5/14-107 (West 2014)) and Terri Anderson appeared on behalf of the Administrative Review Board. Lisle *pro se* appeals, raising several claims related to the trial court's dismissal. We affirm.

¶ 5 I. BACKGROUND

¶ 6 The following facts were gleaned from the parties' pleadings and other supporting documents filed with the trial court.

¶ 7 A. Lisle's Misconduct and Adjustment Committee Hearings

¶ 8 The following disciplinary actions were enacted while Lisle was incarcerated at Menard.

¶ 9 Since 2003, Lisle has been serving consecutive prison terms of 10 years and 27 years for aggravated battery with a firearm and first degree murder, respectively. Lisle's misconduct during his incarceration resulted in various disciplinary actions. DOC's adjustment committee (committee) addressed these numerous misconduct incidents at the following four disciplinary hearings.

¶ 10 In December 2014, the committee found Lisle guilty of (1) damage or misuse of

property, (2) insolence, and (3) disobeying a direct order. Those offenses occurred during an incident in which a prison guard saw Lisle destroying his cell mattress. When the guard ordered Lisle to stop, Lisle yelled, "Fuck you, bitches! I will flood this cell." Lisle pleaded not guilty to the offenses and requested to be "placed on a watch." The committee imposed the following disciplinary action, which remained in effect for two months: (1) demotion to C-grade status, (2) assignment to segregation, and (3) commissary restrictions. The committee also ordered Lisle to pay \$55 in restitution for the damaged mattress. (We note that all four of the committee's "final summary reports" documented that the disciplinary action imposed was to run "consecutive to any priors." See 20 Ill. Adm. Code 504.110(b) (2003) (providing the computation of discipline for multiple offenses arising from separate incidents, which "shall run consecutively").)

¶ 11 On May 14, 2015, the committee considered two separate misconduct claims that occurred in March and April 2015. In both situations, female prison guards observed Lisle masturbating after announcing their presence. Lisle then disobeyed the guards' direct orders to stop. Lisle claimed "insanity not in the right state of mind" to (1) two offenses of sexual misconduct, (2) insolence, and (3) disobeying a direct order. Based on the recommendation of the mental-health staff, the committee (1) demoted Lisle to C-grade status and placed him in segregation for a total of six months (two separate three-month periods to run consecutively) and (2) restricted his commissary privileges for a total of one year and one month (six- and seven-month periods imposed to run consecutively).

¶ 12 On May 28, 2015, the committee considered separate situations where Lisle continued his misconduct, which resulted in the following offenses: (1) sexual misconduct, (2) disobeying a direct order, (3) damage or misuse of property, (4) possession of contraband, (5) violation of rules, and (6) intimidation or threats. The sexual-misconduct offense occurred when a

nurse working in an adjacent cell saw Lisle looking at her, smiling, and stroking his penis.

¶ 13 Lisle's intimidation offense was the result of his comment to a prison guard that he was going to "set an example" by hurting "an officer." The remaining offenses were the result of a search that revealed Lisle possessed the following contraband: (1) a plastic bag that contained items to manufacture a homemade intoxicant and (2) coffee. During that search, Lisle refused to "cuff up."

¶ 14 During the May 28, 2015, disciplinary proceedings, Lisle stated the following with regard to the aforementioned offenses: (1) he "was not in the right state of mind" during the incident with the nurse, but he was no longer "in a crisis"; (2) he was insane at the time he uttered the threats, but he was "no longer in a state of crisis"; and (3) although he possessed the confiscated contraband, he did not refuse the guard's order to submit to restraints.

¶ 15 Although the chairperson of the committee, Lieutenant Kent E. Brookman, was not available for the May 28, 2015, disciplinary hearing, he provided a note to a committee member in which he recommended certain disciplinary measures. The committee found Lisle guilty of all the mentioned offenses and disciplined him by (1) demoting him to C-grade status for two years and three months; (2) segregating him for one year and eight months; (3) imposing commissary restrictions for two years and three months; and (4) revoking two years and three months of his good-conduct credit.

¶ 16 In June 2015, the committee considered four additional misconduct incidents in which prison guards accused Lisle of the following: (1) two offenses of sexual misconduct, (2) damage or misuse of property, (3) two offenses of disobeying a direct order, and (4) insolence. Lisle was ticketed for one count of sexual misconduct after beginning to expose himself until he was ordered to stop. Lisle's ticket for damage or misuse of property resulted from his breaking

the top off of a razor, swallowing it in an apparent suicide attempt, and giving the handle to a reporting officer. (Lisle received medical attention at the infirmary as a result of this act.) Lisle was ticketed for disobeying a direct order to come to the front of his cell to "cuff up." Lisle also received a ticket for a second count of sexual misconduct, insolence, and an additional count of disobeying a direct order after he propped himself up against a window ledge, exposed himself, smiled, and masturbated. As to all of these offenses, Lisle claimed that he was "not in the right state of mind." The committee found Lisle guilty of all the mentioned offenses and disciplined him, as follows: (1) demotion to C-grade status for two years and nine months; (2) segregation for two years and three months; and (3) restriction of commissary privileges for two years and nine months. (Sometime after June 2015, Lisle was transferred to Pontiac.)

¶ 17 **B. Lisle's Grievances**

¶ 18 Throughout his incarceration, Lisle filed numerous grievances, which were often based on the discipline imposed for his previous misconduct. In September 2014, Lisle filed a grievance, claiming that while imprisoned at Menard, a nurse refused to accept a note from him while he was hanging from a shoestring in his cell in an apparent suicide attempt.

¶ 19 In a May 2015 grievance, Lisle acknowledged that since 1994, he was taking "mental-health medication," but he complained that DOC's mental-health staff had misdiagnosed his mental-health condition. Lisle urged that his condition was more severe than the medical staff had acknowledged. Lisle requested further examination, a release from segregation, and a transfer to a different facility.

¶ 20 In his September 2015 grievance, filed while he was incarcerated at Pontiac, Lisle claimed that he had been issued a single-cell permit while at Menard that the Pontiac staff refused to honor. Lisle claimed that he required a single cell because voices that he heard in his

head told him to kill his cellmates. Lisle additionally claimed that he filed other grievances concerning his disciplinary tickets and that those grievances were either destroyed or not adjudicated.

¶ 21 C. Lisle's *Mandamus* Petition

¶ 22 In November 2015, about five months after being transferred from Menard to Pontiac, Lisle *pro se* filed a petition for writ of *mandamus* under article 14 of the Civil Code (735 ILCS 5/14-101 to 14-109 (West 2014)). Lisle contended that Pontiac's housing of mentally ill inmates, like him, was unhealthy because he was placed with cellmates and in a cell with a steel door. Lisle reasoned that these arrangements meant that he (1) would not be properly monitored (in view of his self-described suicidal condition) and (2) could not sufficiently sleep. Lisle asserted that Pontiac's refusal to place him in a single cell violated the eighth amendment's prohibition against the infliction of cruel and unusual punishment. U.S. Const., amend. VIII. Lisle sought a transfer to a different prison facility.

¶ 23 Lisle also contended that (1) he had received inadequate mental-health screening and (2) DOC's staff ignored his mental-health concerns. In this regard, Lisle claimed that his significant mental illness manifested itself through chronic masturbation and hearing voices that instructed him to kill his cellmates. Lisle claimed that defendants were deliberately indifferent to his mental-health needs, which also violated his eighth amendment rights. Lisle sought to be placed on suicide watch whenever he requested and to be housed in Pontiac's health-care unit while he was in a suicide-watch status.

¶ 24 Lisle claimed further that defendants ignored his grievances, which violated DOC grievance procedures. Lisle requested that the trial court enter an order directing defendants to



422, 429, 856 N.E.2d 1048, 1053 (2006). "When reviewing a trial court's dismissal of a complaint under section 2-615 of the Civil Code, we accept as true all well-pleaded facts contained within the complaint along with the reasonable inferences that may be drawn therefrom in the light most favorable to the plaintiff." *Dupree v. Hardy*, 2011 IL App (4th) 100351, ¶ 19, 960 N.E.2d 1. "However, this court will disregard mere conclusions of law or facts not supported by specific factual allegations." *Id.*

¶ 31 B. A Petition for Writ of *Mandamus* Action

¶ 32 "*Mandamus* is an extraordinary civil remedy that will be granted to enforce, as a matter of right, the performance of official nondiscretionary duties by a public officer." *Rodriguez v. Illinois Prisoner Review Board*, 376 Ill. App. 3d 429, 433, 876 N.E.2d 659, 663 (2007). A plaintiff seeking *mandamus* relief must establish every material fact demonstrating that (1) he has a clear right to the relief requested, (2) there is a clear duty to act on the part of the defendant, and (3) clear authority exists in the defendant to comply with an order to act. *Id.* at 433-34, 876 N.E.2d at 663-64; *Baldacchino v. Thompson*, 289 Ill. App. 3d 104, 109, 682 N.E.2d 182, 186 (1997). If the plaintiff fails to demonstrate any of these factors, dismissal is proper. *Turner-El v. West*, 349 Ill. App. 3d 475, 480, 811 N.E.2d 728, 733 (2004). Claims of constitutional violations may state a cause of action for *mandamus*. *Knox v. Godinez*, 2012 IL App (4th) 110325 ¶ 16, 966 N.E.2d 1233.

¶ 33 C. Lisle's *Mandamus* Claims

¶ 34 1. *Lisle's Due-Process Claims*

¶ 35 a. The Committee's Disciplinary Hearings

¶ 36 Lisle contends that he stated a cause of action for *mandamus* relief by asserting that he was denied the due-process protections guaranteed by the fourteenth amendment during



the conduct of two disciplinary hearings. In this regard, Lisle posits that the committee (1) pre-judged him guilty at his May 28, 2015, disciplinary hearing by considering the notes that Brookman appended to his May 2015 misconduct allegations; and (2) impermissibly held his June 2015 disciplinary hearing while he was on suicide watch. As a remedy for these alleged violations, Lisle urges this court to "dismiss all his disciplinary tickets and privilege losses and \*\*\* restore all good time credits." We disagree.

¶ 37 In *Wolff v. McDonnell*, 418 U.S. 539, 564-66 (1974), the United States Supreme Court held that due process required only that an inmate receive the following: (1) written notice of the disciplinary charges at least 24 hours prior to the hearing; (2) when consistent with institutional safety and correctional goals, an opportunity to call witnesses and present documentary evidence in his defense; and (3) a written statement by the fact finder of the evidence relied on and the reasons for the disciplinary action taken.

¶ 38 In this case, Lisle does not claim that he lacked sufficient notice of and the opportunity to defend against the disciplinary charges DOC adjudicated at the May and June 2015 disciplinary hearings Lisle challenges. Nor does Lisle allege that the committee failed to provide a factual basis and rationale for the disciplinary action taken as a result of those hearings. We are not surprised by these omissions because the record shows that Lisle received all the due-process rights he was entitled to, as outlined in *Wolff*.

¶ 39 To the extent Lisle claims that the committee impermissibly conducted his June 2015 disciplinary hearing because he remained on suicide watch, and thus, "was not in the right state of mind [due] to trying to kill [himself]," we reject the implication that Lisle had a constitutional due-process right in that regard. In *Ratliff-El v. Briley*, 338 Ill. App. 3d 1070, 1072, 789 N.E.2d 781, 782 (2003), the appellate court rejected the plaintiff's argument that DOC had a

*clear duty* to conduct disciplinary hearings pursuant to a "grandfathering" clause contained in section 1-5(a) of the Illinois Administrative Procedure Act (5 ILCS 100/1-5(a) (West 2000)). In so concluding, the appellate court held that the committee's hearing procedures were governed instead by title 20, section 504.80 of the Illinois Administrative Code (20 Ill. Adm. Code 504.80 (2003)). *Ratliff-El*, 338 Ill. App. 3d at 1073, 789 N.E.2d at 783.

¶ 40 In *Ashley v. Snyder*, 316 Ill. App. 3d 1252, 1258, 739 N.E.2d 897, 902 (2000), this court held that prison regulations, such as the Illinois Administrative Code, "were designed to provide guidance to prison officials in the administration of prisons" and "were *never* intended to confer rights on inmates or serve as a basis for constitutional claims." (Emphasis in original.) See also *McNeil v. Carter*, 318 Ill. App. 3d 939, 943, 742 N.E.2d 1277, 1281 (2001) (citing *Ashley* approvingly, for the proposition that a statute does not confer a private right on inmates). The rationale for such a prohibition is to (1) prevent inmates—such as Lisle—from "[searching] through prison regulations and state statutes in search of mandatory language on which to base their purported 'rights' " and (2) extract courts from what essentially amounts to daily prison managerial decisions. *Ashley*, 316 Ill. App. 3d at 1259, 739 N.E.2d at 903.

¶ 41 Because we continue to adhere to our decision in *Ashley*, we reject Lisle's due-process claim and conclude that Lisle has failed to state a cause of action for *mandamus* relief.

¶ 42 b. Lisle's Good-Conduct Credit

¶ 43 Lisle argues that defendants violated his due-process rights when they revoked the good-conduct credits he earned by completing his initial 10-year sentence for aggravated battery with a firearm. Lisle posits that he is currently serving his 27-year sentence for first degree murder, for which he is not entitled to earn good-time credits. See 730 ILCS 5/3-6-3(a)(2)(i) (West 2002) ("[A] prisoner who is serving a term of imprisonment for first degree murder \*\*\* shall re-

ceive no good conduct credit and shall serve the entire sentence imposed by the court[.]"). Essentially, Lisle contends that because defendants had no authority to revoke the good-conduct credits he earned for a sentence that he had completed, those credits must be restored. We disagree.

¶ 44 Section 5-8-4(e)(4) of the Unified Code of Corrections provides, as follows:

"In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, [DOC] shall treat the offender as though he had been committed for a single term with the following incidents:

\* \* \*

(4) The defendant shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses as a consequence thereof at the rate specified in [s]ection 3-6-3 of [the Unified Code of Corrections]." 730 ILCS 5/5-8-4(e)(4) (West 2002).

¶ 45 "Although this statutory provision does not operate to transform consecutive sentences into one sentence, it does direct [ ]DOC to treat consecutive sentences as though they were a single term for the limited purpose of parole eligibility and good[-]time credit." *Armstrong v. Washington*, 289 Ill. App. 3d 306, 309, 682 N.E.2d 761, 763 (1997).

¶ 46 Because Lisle's *mandamus* claim is based on his misapprehension that he was

serving two sentences, instead of one, for purposes of determining good-conduct credit, we conclude that Lisle has failed to state a claim warranting *mandamus* relief.

¶ 47

## 2. *Lisle's Mental-Illness Claim*

¶ 48 Lisle argues that defendants' refusal to grant his requests for a particular treatment for his mental illness amounts to a violation of the eighth amendment's prohibition of cruel and unusual punishment. We disagree.

¶ 49

The rights of prisoners protected by the United States Constitution are limited. "Inmates \*\*\* have a constitutional right to adequate shelter, food, drinking water, clothing, sanitation, medical care, and personal safety." *Ashley*, 316 Ill. App. 3d at 1258, 739 N.E.2d at 903. Adequate medical care includes mental-health care. *People v. Manning*, 227 Ill. 2d 403, 422, 883 N.E.2d 492, 504 (2008).

¶ 50

Lisle asserts that although he was examined by DOC mental-health professionals, and was prescribed and is taking psychotropic medication, he has received inadequate mental-health care. Lisle maintains that the DOC mental-health professionals did not comprehend the severity of his mental illness. In this regard, Lisle posits that to provide him adequate mental-health treatment, defendants must provide him with a variety of desired accommodations. The Constitution, however, only requires that Lisle receive adequate care, not care that is adequate according to Lisle's own judgment. *Id.* Further, the Illinois Administrative Code specifically provides that "[p]ersons committed to the Department [of Corrections] shall have access to mental health services *as determined by a mental health professional.*" (Emphasis added.) 20 Ill. Adm. Code 415.40(a) (West 2005).

¶ 51

As Lisle acknowledges, he received and is continuing to receive mental-health services in accordance with the determinations of DOC's mental-health professionals. It is not

within the province of the plaintiff or this court to second-guess the course of treatment prescribed by DOC personnel. *Hatch v. Szymanski*, 325 Ill. App. 3d 736, 739, 759 N.E.2d 585, 588 (2001) ("The writ [of *mandamus*] will not lie when its effect is to substitute the court's judgment or discretion for the official's judgment or discretion."). " '*Mandamus* cannot be used to direct a public official or body to reach a particular decision or to exercise its discretion in a particular manner, even if the judgment or discretion has been erroneously exercised.' " *Hadley v. Ryan*, 345 Ill. App. 3d 297, 301, 803 N.E.2d 48, 52 (2003) (quoting *Crump v. Illinois Prisoner Review Board*, 181 Ill. App. 3d 58, 60, 536 N.E.2d 875, 877 (1989), citing *Daley v. Hett*, 113 Ill. 2d 75, 80, 495 N.E.2d 513, 515-16 (1986)).

¶ 52 We note that in addition to the psychotropic drugs and mental-health examinations, DOC personnel frequently placed Lisle on crisis watch in response to his actions—in some cases, for substantial periods of time. Although Lisle complains that he did not receive the treatment he now claims he needs, he nonetheless acknowledges that he has, in fact, received mental-health care as prescribed by competent professionals. Consequently, Lisle failed to plead sufficient facts to sustain a cause of action for *mandamus* relief.

¶ 53 Accordingly, for the foregoing reasons, we conclude that the trial court did not err by dismissing Lisle's petition for writ of *mandamus*.

¶ 54 III. CONCLUSION

¶ 55 For the reasons stated, we affirm the trial court's judgment.

¶ 56 Affirmed.