

Commonwealth Of Kentucky

Court of Appeals

NO. 2003-CA-002454-MR

CHARLES J. SHORTER

APPELLANT

v. APPEAL FROM OLDHAM CIRCUIT COURT
HONORABLE PAUL W. ROSENBLUM, JUDGE
ACTION NO. 03-CI-00408

WILLIAM SEARCY; CATHY
BUCK; AND ERNEST ELAM

APPELLEES

OPINION

AFFIRMING

** ** * * * **

BEFORE: COMBS, CHIEF JUDGE; DYCHE AND KNOFF, JUDGES.

DYCHE, JUDGE: Inmate Charles J. Shorter, *pro se*, appeals from the Oldham Circuit Court's dismissal of his petition for declaration of rights brought pursuant to Kentucky Revised Statutes Chapter 418. We affirm.

Shorter's petition below is very short, and accompanied with voluminous documentation in support thereof. The trial court, in granting the appellees' motion to dismiss, ruled that Shorter failed to allege any facts in support of his

claims of unconstitutional (due process violations in prisoner discipline) treatment.

We have given the record an examination, and, like the trial court, cannot divine the exact nature of Shorter's complaints. His brief before this court repeatedly alleges that he is being "denied his Federal Constitutional Rights, because he is Black." Shorter categorizes these alleged irregularities in three categories: depriving him of contact with his wife; loss of "good time"; and an unsupported disciplinary action for Disruptive Behavior.

We cannot find, and are not directed by Shorter to any evidence or anything else in the record to buttress Shorter's allegations. As such, the allegations must be held to be without merit, and the trial court was correct in so holding.

The order of the Oldham Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

NO BRIEF FOR APPELLEE

Charles J. Shorter, *Pro Se*
LaGrange, Kentucky