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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-0178**

Randall Arthur Radunz,
Appellant,

vs.

CWF, et al.,
Respondents,

Minnesota Correctional Facility-Faribault,
Respondent.

**Filed January 27, 2009
Affirmed
Shumaker, Judge**

Rice County District Court
File No. 66-CV-07-405

Randall Arthur Radunz, OID #218263, MCF-Faribault, 1101 Linden lane, Faribault, MN 55021 (pro se appellant)

James J. Kretsch, Jr., Kretsch & Gust, PLLC, 5151 Edina Industrial Boulevard, Suite 650, Minneapolis, MN 55439 (for respondent CWF)

Lori Swanson, Attorney General, Kelly S. Kemp, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2128 (for respondent Minnesota Correctional Facility)

Considered and decided by Shumaker, Presiding Judge; Peterson, Judge; and Stauber, Judge.

UNPUBLISHED OPINION

SHUMAKER, Judge

Pro se appellant challenges the district court's dismissal of his claim against respondent warden of the Minnesota Correctional Facility-Faribault on the pleadings and his claims against the remaining respondents on summary judgment. Appellant asserts that the district court erred in dismissing all of his claims. Because there is no legal basis on which relief can be granted, we affirm.

FACTS

Pro se appellant Randall Arthur Radunz is incarcerated in Faribault, Minnesota, at the Minnesota Correctional Facility (MCF), which is run by the Minnesota Department of Corrections (DOC). The reasons for his incarceration are not pertinent to this appeal.

Respondent Contingent Workforce Solutions, LLC (CWF), a private company, entered into an agreement with the DOC to provide food services at several prisons.

Radunz was assigned certain duties in the food-service area of MCF-Faribault. During one of his work shifts, Radunz had a dispute with a CWF supervisor, who eventually recommended that Radunz be terminated from his food-service job. Radunz was terminated and disciplined for his conduct.

Claiming that he was wrongfully terminated from his prison job, Radunz sued the MCF-Faribault warden, CWF, and several CWF employees and officers for damages. The warden moved for judgment on the pleadings and the others moved for summary judgment. The district court granted all motions and dismissed all claims, ruling that

Radunz had failed to show that respondents owed or breached any legal duty. This appeal followed.

On appeal, Radunz asserts that (1) the contract between the DOC and CWF violates Minn. Stat. § 243.62 (2006); (2) his termination breached a 90-day employment contract; (3) he is covered by the whistleblower statute, Minn. Stat. § 181.932, subd. 1 (Supp. 2007); and (4) his due-process rights were violated. By order filed July 1, 2008, a special term panel limited both the record and arguments on this appeal and determined that the first three arguments are waived because they were not raised below. Whether Radunz's due-process rights were violated is the only issue properly before this court.

D E C I S I O N

“When reviewing a case dismissed pursuant to Minn. R. Civ. P. 12.02(e) for failure to state a claim on which relief can be granted, the question before this court is whether the complaint sets forth a legally sufficient claim for relief.” *Hebert v. City of Fifty Lakes*, 744 N.W.2d 226, 229 (Minn. 2008) (citing *Barton v. Moore*, 558 N.W.2d 746, 749 (Minn. 1997)). “The standard of review for summary judgment is whether the [district] court erred in applying the law and whether there are any genuine issues of material fact.” *Harbal v. Fed. Land Bank of St. Paul*, 449 N.W.2d 442, 446 (Minn. App. 1989), *review denied* (Minn. Feb. 21, 1990).

Radunz claims that the respondents violated his right to due process by failing to provide him with the proper job-termination paperwork. He contends that such paperwork is necessary for him to contest his termination according to institutional procedures. Radunz is entitled to due-process protections only if he can identify a

recognized liberty or property interest. *Ragan v. Lynch*, 113 F.3d 875, 876 (8th Cir. 1997) (citing *Bd. of Regents v. Roth*, 408 U.S. 564, 569, 92 S. Ct. 2701, 2705 (1972)). A prisoner's due-process rights are implicated only when he can show that he has suffered an "atypical and significant hardship . . . in relation to the ordinary incidents of prison life." *Sandin v. Conner*, 515 U.S. 472, 484, 115 S. Ct. 2293, 2300 (1995). Such hardship means "deprivations which work such major disruptions in a prisoner's environment and life that they present dramatic departures from the basic conditions and ordinary incidents of prison sentences." *Moorman v. Thalacker*, 83 F.3d 970, 972 (8th Cir. 1996). It is well-settled that the expectation of keeping a prison job is not a property or liberty interest afforded due-process protection. *Flittie v. Solem*, 827 F.2d 276, 279 (8th Cir. 1987) ("[I]nmates have no constitutional right to be assigned to a particular job."); *Kelley v. Vaughn*, 760 F. Supp. 161, 163 (W.D. Mo. 1991); *Anderson v. Hascall*, 566 F. Supp. 1492, 1494 (D. Minn. 1983). Because Radunz's claims relate solely to his termination from his prison job, he has failed to identify a constitutionally protected due-process interest, and the district court did not err in granting the respondents' motions.

Affirmed.