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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1853-14T4

AL-KASEEM LITTLE,

Appellant,

v.

NEW JERSEY DEPARTMENT
OF CORRECTIONS,

Respondent.

Submitted February 9, 2017 – Decided May 17, 2017

Before Judges Lihotz and O'Connor.

On appeal from the New Jersey Department of
Corrections.

Al-Kaseem Little, appellant pro se.

Christopher S. Porrino, Attorney General,
attorney for respondent (Lisa A. Puglisi,
Assistant Attorney General, of counsel;
Gregory R. Bueno, Deputy Attorney General,
on the brief).

PER CURIAM

Appellant Al-Kaseem Little, an inmate incarcerated in New
Jersey State Prison in Trenton, appeals from a Deputy

Commissioner's decision denying appellant's request for a consensual interstate transfer to a correctional facility in Oregon. Following our review, we remand this matter for further proceedings.

Appellant is serving a twenty-year sentence, with a seventeen-year period of parole ineligibility, for manslaughter and robbery. He commenced serving his sentence in 2008. In 2014, appellant was placed in protective custody. Believing his life would continue to be in danger if he remained in a New Jersey prison, appellant requested he be transferred to a correctional facility in Oregon.

In accordance with N.J.A.C. 10A:10-3.7(a), appellant submitted his request for a consensual interstate transfer to the Institutional Classification Committee. Based upon his placement in protective custody, the Committee determined appellant was eligible for interstate transfer, and transferred the matter to the Administrator for review. See N.J.A.C. 10A:10-3.7(c). The Administrator approved the transfer to an out-of-state facility.

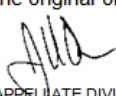
The Administrator then transferred the matter to the Deputy Commissioner for review, see N.J.A.C. 10A:10-3.7(d), who denied appellant's request. The Deputy Commissioner did not articulate the basis for his findings, other than to state they were "based

on supporting documentation." Although the final decision to approve or deny a request to be transferred to an out-of-state facility must be made by the Commissioner, see N.J.A.C. 10A:10-3.7(e), he did not make a decision in this matter. We are unable to discern from the record the reason for this omission.

On appeal, appellant seeks reversal of the Deputy Commissioner's decision, claiming the documents upon which he relied failed to support his decision to deny appellant's request to be transferred to the Oregon facility. Appellant also contends he was not afforded a "proper" hearing or provided "an alternative to lessen the restrictive conditions" under which he is being housed. We need not address any of appellant's challenges. The Commissioner has not yet made a final decision in this matter, as required by N.J.A.C. 10A:10-3.7(e). Accordingly, we remand this matter for the Commissioner to render a decision within sixty days.

Remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION