

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

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|------------------------------|---|-----------------|
| CHRISTOPHER P. STANTON, |) | |
| |) | |
| Petitioner, |) | |
| |) | No. 3:07 CV 284 |
| vs. |) | |
| |) | |
| INDIANA DEPT. OF CORR. NCCF, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER

Christopher P. Stanton, a *pro se* prisoner, filed this habeas corpus petition attempting to challenge his loss of good time credits and his demotion in credit class imposed on May 9, 2007 by the Disciplinary Hearing Board at the New Castle Correctional Facility for disobeying a direct order of a staff in violation of C-347.

If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.

Section 2254 Habeas Corpus Rule 4.

Mr. Stanton states that he has not received a reply from his appeal to the superintendent in a little more than a month and that he has not yet appealed to the Final Reviewing Authority. Because of this, he has not yet exhausted these claims. “[T]o exhaust a claim, and thus preserve it for collateral review under § 2254, a prisoner must present that legal theory to the . . . Final Reviewing Authority . . .” *Moffat v. Broyles*, 288 F.3d 978, 982 (7th Cir. 2002). Because he has not yet exhausted these claims, this court may not grant him any relief. *See* 28 U.S.C. § 2254(b)(2).

For the foregoing reasons, this petition is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

ENTER: July 3, 2007

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT