UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

ARTHUR G. BOYD,	)	
	)	
Petitioner,	)	
	)	
v.	)	CAUSE NO. 3:08-CV-134 TLS
	)	
SUPERINTENDENT,	)	
	)	
Respondent.	)	

OPINION AND ORDER

Petitioner Arthur G. Boyd, a *pro se* prisoner, filed an Amended Habeas Corpus Petition

[DE 3] seeking to have this Court "enforce [the] order granted on April 18, 2006 by Porter

Superior Court allotting petitioner 299 credit days for 299 actual days served." (Am. Pet. ¶ 15,

DE 3 at 9.) In response, the Respondent filed a Motion to Dismiss [DE 11] along with a

Memorandum in Support [DE 12], and the Petitioner then filed a Traverse [DE 13]. The

Respondent argues that the case is moot because Boyd has received the credit time as ordered.

Randall Short, Supervisor of Offender Placement Services for the Indiana Department of

Corrections (IDOC), provided the following information to support that claim in a signed

declaration:

> 2. I have reviewed the DOC's Offender Information System on Arthur G.
> Boyd, DOC number 983851. I have also reviewed Judge Mary R. Harper's Order
> Granting Modification of Sentencing Order issued in Cause Number 64D05-
> 0205-FB-4072 and dated April 18, 2006. I can attest that the DOC is in
> compliance with this Order because the DOC has credited *Mr. Garner* with 299
> days physically served and 299 days of earned credit time for a total of 598 days
> (Exhibit 1B).
> 3. The attached Credit Calculation Detail reflects that Mr. Boyd was
> properly credited with 299 days time served and 299 days earned credit time
> (Exhibit 1B).

(Decl. of Randall Short, DE 12-2 at 1) (emphasis added). Attached to the Declaration is the

Petitioner's Detail Credit Time Calculation as of August 6, 2008. Although Short's Declaration

[DE 12-2] erroneously references a "Mr. Garner," this appears to be a scrivener's error because

it also twice mentions Boyd by name and once by IDOC number. Also, attached to the

Declaration is the Petitioner's Detail Credit Time Calculation. Although the Petitioner tries to

make an issue of this error in his Traverse, the sole question before the Court is whether he has

received proper credit for his time served. Therefore, it is irrelevant that the Declaration

erroneously mentions a "Mr. Garner."

In his Traverse, the Petitioner argues that "[t]here [are] no records to show that the

respondent complied with court order," (Traverse ¶ 1, DE 13-1 at 1), and that

> From petitioner's sentencing date of 3-04-2003 till the current time,
> including but not limited to all the credit days loss, petitioner's record still only
> reflect 299 actual days, and not the additional 299 credit days for a total of 598
> days.

(*Id.* at ¶ 7, DE 13-1 at 4).

It is true that the Detail Credit Time Calculation report (Resp't Ex. 1B, DE 12-2 at 2) can

be difficult to read and understand because it contains many rows and columns of numbers.

Nevertheless, the review here is straightforward because it only requires a few pieces of data

from this report, which is attached as an Appendix to this Order.

After the column headings, the second row of information demonstrates that the

Petitioner received the credit time at issue here. Under the heading "TIME SERVD," the report

shows "299," which indicates that he has received credit for the 299 days that he actually

physically served. In that same row, under the heading "EARND CR TM," the report shows

"299," which indicates that he has received credit for the 299 days of earned credit time

associated with the 299 days that he actually served. This means that he indeed did receive the

299 days credit time *in addition to* the 299 days he actually served, for a total of 598 days

credited against his prison term.

This is confirmed by reviewing the numbers in the column titled "REMN TIME," which

shows how much time he has remaining to be served. The first number in that column shows that

he began with 4749 days remaining to be served, and, after subtracting the 598 days credited by

that row, he then had 4151 days remaining (4749-4151=598).

Because the Petitioner has received credit for these days, the Amended Petition [DE 3] is

moot, and the Respondent's Motion to Dismiss (DE 11) is GRANTED.

SO ORDERED on September 24, 2008.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION

Appendix to Court's Order [DE 14] in *Boyd v. Superintendent*, 3:08-CV-134-TS. The table below is Exhibit 1B of the Respondent's Memorandum in Support [DE 12-2 at 2].

REPORT ID: RPT0052
WESTVILLE CONTROL UNIT

INDIANA DEPARTMENT OF CORRECTION
DETAIL CREDIT TIME CALCULATION
AS OF 08/06/2008

DATE: 08/06/2008
TIME: 13:29:15
PAGE: 2

OFFENDER: BOYD, ARTHUR
DOC NUMBER: 983851

LOCATION: WCU

CAUSE NO: 002
CAUSE NO: 64D05-0205-FB-4072
COUNT NO: 01

SENT NO: 002

CC:	0
HD:	0
JTC:	299
FTI:	4749
DOS:	03-04-2003
EDS:	07-31-2002

DOC EARN CREDIT TIME:	1370
BCR EARN CREDIT TIME:	0
DOC EARN CREDIT TIME:	
DOC INTAKE DATE:	02-19-1998
MRD:	07-31-2015
DISCHARGE DATE	00-00-0000

ACTION DATE	SEQ NO	ACTION	FAC/ INST	ID	MAN OVR FLG	CRD CLS	TIME SERVD	EARN MULT	EARND CR TM	ADJ DAYS	ADJTD EARND ED TM	ADJTD EARND CR TM	REMN TIME	PROJ MULT	PROJ TIME	PRD
07-31-2002	0	INITIAL ACTION	ISR	SYP SYSTEM	N	1	0	1.000	0	0	0	0	4749	0.50000	2375	01-29-2009
05-26-2003	0	JTC	WCU	RS 90-304	N	1	299	1.000	299	0	0	299	4151	0.50000	2076	01-29-2009
07-02-2003	0	DEPRIVE 45 DAYS	ISR	ALM 92619	N	1	37	1.000	37	-45	0	-8	4122	0.50000	2061	02-20-2009
08-27-2003	0	DEMOTE CC3	ISR	ALM 92619	N	3	56	1.000	56	0	0	56	4010	1.00000	4010	08-18-2014
09-05-2004	0	PROMOTE TO CC2	ISR	HEW 00-018	N	2	375	0.000	0	0	0	0	3635	0.66666	2423	04-24-2011
09-05-2004	0	PROMOTE TO CC1	ISR	PAP 00-706	N	1	181	0.500	91	0	0	91	3363	0.50000	1682	10-11-2009
03-05-2005	0	RESTORE 12 DAYS	ISR	FB 04-112	N	1	186	0.000	186	12	0	198	2979	0.50000	1490	10-05-2009
09-07-2005	0	DEPRIVE 90 DAYS	ISR	PAP 00-706	N	1	82	1.000	82	-90	0	-8	2905	0.50000	1453	11-19-2009
11-28-2005	0	DEPRIVE 60 DAYS	ISR	PAP 00-706	N	1	255	1.000	255	-60	0	195	2455	0.50000	1228	12-19-2009
01-10-2006	0	DEPRIVE 60 DAYS	ISR	FB 04-112	N	1	152	1.000	152	-60	0	92	2211	0.50000	1106	01-18-2010
08-10-2006	0	DEPRIVE 60 DAYS	ISR	PAP 04-112	N	1	37	1.000	37	-60	0	7	2167	0.50000	1084	02-02-2010
01-09-2007	0	DEPRIVE 90 DAYS	ISR	PAP 00-706	N	1	298	1.000	298	-90	0	208	1661	0.50000	831	03-19-2010
02-15-2007	0	DEPRIVE 30 DAYS	ISR	PAP 00-706	N	1				-30	0					
12-10-2007	0	DEPRIVE 90 DAYS	ISR	PAP 00-706	N	1				-90	0					

EXHIBIT
1 B