

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DONALD BICKEL,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:08-CV-251
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

This matter is before the Court on the Motion to Dismiss Petition as Moot, filed by counsel of Respondent on October 9, 2008 (DE #8). Donald Bickel, a *pro se* prisoner, did not respond to Respondent's motion, and the time for doing so passed. Therefore, for the reasons set forth below, the Court **GRANTS** the Motion to Dismiss Petition as Moot (DE #8) and **DISMISSES** the *habeas corpus* petition (DE #1) as moot.

The petition challenged the sanctions imposed after Bickel's conviction in prison disciplinary proceedings under case number MCF 07-11-0319. The sanctions included loss of sixty days earned credit time. Respondent argues the petition is moot because on October 7, 2008, the Final Reviewing Authority dismissed the case and rescinded the sanctions that resulted. (DE # 8 at ¶ 3.)

In support of the motion, Respondent submitted a copy of the Final Reviewing Authority's directive dismissing the entire case involving the subject conduct charge and conviction. It states:

Your appeal on disciplinary action taken against you in the above cited case has been received. All materials relevant to this appeal have been reviewed and I am dismissing the case. All sanctions are hereby rescinded. All reference to the above noted case shall be expunged within thirty (30) days from receipt of this letter.

(Exhibit 16, DE # 9-16).

Because the Final Reviewing Authority dismissed the conduct violation, there is no longer any case or controversy for this Court to adjudicate.

Therefore, for the reasons set forth above, the Court **GRANTS** the Motion to Dismiss Petition as Moot (DE #8) and **DISMISSES** the *habeas corpus* petition (DE #1) as moot.

DATED: December 29, 2008

**/s/RUDY LOZANO, Judge
United States District Court**