

VACATED PER COURT'S
ORDER #8

**United States District Court
Northern District of Indiana**

DONTY LEDEL SIMMONS,)	
)	
Petitioner,)	
)	Civil Action No. 3:08-CV-550 JVB
v.)	
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Donty Ledel Simmons, a *pro se* prisoner, filed a habeas corpus petition. In it he alleges that the Westville Correctional Facility Disciplinary Hearing Body punished him with a suspended sentence of 90 days in segregation. (*See* DE 1 at 1.) A prison disciplinary action can only be challenged in a habeas corpus proceeding where it results in the lengthening of the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Placement in segregation does not lengthen the duration of confinement. A suspended sentence does not lengthen the duration of confinement. The suspension of a stay in segregation is no deprivation at all. Therefore, these claims are not actionable in a habeas corpus proceeding. Here, the petition does not present any basis for habeas corpus relief.

For the foregoing reasons, this habeas corpus petition is **DENIED**. *See* Section 2254 Habeas Corpus Rule 4 (“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.”).

SO ORDERED on December 29, 2008.

s/ Joseph S. Van Bokkelen
 Joseph S. Van Bokkelen
 United State District Judge
 Hammond Division