UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION

PATRICK WELCH,)	
Petitioner,)	
v.	Cause No. 3:09 CV 0033 I	PS
SUPERINTENDENT, INDIANA STATE PRISON,)	
Respondent.)	

OPINION AND ORDER

On March 10, 2008, a prison disciplinary hearing board found Patrick Welsh guilty of intimidating or threatening in case WCC 08-02-0338. Welsh brought this habeas corpus petition challenging his 120 day loss of earned credit time in that proceeding. The court ordered the respondent to show cause why the court should not grant the petition. In response, the respondent filed a motion to dismiss the petition as moot after the Indiana Department of Correction's Final Reviewing Authority rescinded the sanctions on April 27, 2009. I have waited for a reply from Welch, but he has not responded to the motion to dismiss. Because the time for doing so has passed, I will now address the motion.

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). Because the 120 days of earned credit time at issue in this case have already been restored, Welch has already obtained the maximum relief available in this proceeding. Therefore the motion to dismiss is well taken and will be granted.

For the foregoing reasons, the motion to dismiss (DE 4) is **GRANTED** and this case is **DISMISSED**.

SO ORDERED.

ENTERED: September 4, 2009

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT