UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

TERRANCE D. SWANN,	)	
	)	
Petitioner,	)	
	)	
v.	)	CAUSE NO. 3:10-CV-273-TS
	)	
SUPERINTENDENT,	)	
	)	
Respondent.	)	

OPINION AND ORDER

Terrance D. Swann, who is proceeding pro se in this matter, filed this habeas corpus petition challenging a prison disciplinary determination. [Petition, DE 1.] District courts are obligated to review a habeas petition and dismiss it if "it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief." Rule 4 of the Rules Governing Section 2254 Cases.

According to the Petition, on March 30, 2010, Swann, a prisoner at Indiana State Prison, was charged with possessing an electronic device. [DE 1 at 3.] On April 19, a Disciplinary Hearing Body ("DHB") found him guilty, and imposed a two-week commissary restriction, visitation restrictions, and the loss of 15 days earned credit time. [DE 1 at 4.] Swann filed an administrative appeal, asserting various procedural irregularities in connection with the first hearing. His appeal was granted, and a new hearing ordered. A second disciplinary hearing was held on May 13, 2010, and Swann was again found guilty. At that point, Swann had already served the commissary restriction. However, at the second hearing the DHB imposed a new two-week commissary restriction. [DE 1 at 5.]

In his Petition, Swann raises one claim: that the DHB violated double jeopardy principles by imposing the commissary restriction twice. [DE 1 at 3.] Swann has failed to raise a

cognizable claim because the commissary restriction Swann complains about did not lengthen the duration of his confinement, and thus cannot be challenged in this habeas proceeding. *See Washington v. Smith*, 564 F.3d 1350, 1351 (7th Cir. 2009); *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004); *Moran v. Sondalle*, 218 F.3d 647, 650–51 (7th Cir. 2000).

For the foregoing reasons, this habeas corpus petition is **DISMISSED** pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

SO ORDERED on July 27, 2010.

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