

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DERRICK BAKER,)	
)	
Petitioner,)	
)	CAUSE NO. 3:13-CV-532
v.)	
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Derrick Baker, a *pro se* prisoner, filed a habeas petition under 28 U.S.C. § 2254 challenging a prison disciplinary proceeding. (DE # 6.) In CIF #12-05-0046, Baker was found guilty of murdering another inmate. Among other sanctions, he lost 365 days of earned-time credits and received a credit-class demotion. After he filed this petition, the Indiana Department of Correction (“IDOC”) final reviewing authority decided to vacate the guilty finding and remand the case for a new hearing. (DE # 15-1.)

Based on the IDOC’s action, the respondent moves to dismiss the petition as moot. (DE # 15.) As the respondent points out, because the guilty finding has been vacated and the case remanded for a new hearing, there is at present nothing for this court to review. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary proceeding in a habeas petition only when it lengthened the duration of his confinement); *see also Brown v. Bartholomew Consol. Sch. Corp.*, 442 F.3d 588, 596 (7th Cir. 2006) (“For a case to be justiciable, a live controversy must

continue to exist at all stages of review, not simply on the date the action was initiated.”).

Baker has filed an objection to the motion. (DE # 16.) He argues, in essence, that the respondent’s “maneuver” is an attempt to deprive him of judicial review. However, regardless of the respondent’s motives, the applicable law provides that Baker cannot pursue habeas relief in connection with a prison disciplinary proceeding unless it lengthened his sentence. *See Hadley*, 341 F.3d at 664. Accordingly, the petition must be dismissed. If Baker is dissatisfied with the results of the new hearing, he is free to file a new habeas petition after exhausting his administrative remedies.

For the reasons set forth above, the petition (DE # 6) is **DISMISSED**.

SO ORDERED.

Date: April 17, 2014

s/James T. Moody _____
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT