

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF INDIANA
 SOUTH BEND DIVISION

CHRISTOPHER PAVEY,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:13-CV-772 WL
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Christopher Pavey, a *pro se* prisoner, filed a habeas petition under 28 U.S.C. § 2254 challenging a prison disciplinary sanction. (DE 1.) In ISP #13-01-0111, Pavey was found guilty of possession of a weapon. (DE 1-1 at 1.) As a result he lost earned-time credits, among other sanctions. (*Id.*) After he filed this petition, the Indiana Department of Correction (“IDOC”) vacated the guilty finding and remanded the case for a new hearing. (DE 9-1.) Based on the IDOC’s action, the respondent moves to dismiss the petition. (DE 9.) 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 determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

Pavey has filed an “objection” to the motion. (DE 10.) He argues that it violates double jeopardy principles to charge him again based on the same incident, and asks the court to bar any rehearing. This argument is unavailing, however, because double jeopardy principles do not apply in the prison disciplinary context. *See Meeks v. McBride*, 81 F.3d 717, 722 (7th Cir. 1996).

Accordingly, the petition will be dismissed. If Pavey 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 motion to dismiss (DE 9) is **GRANTED**, and the petition (DE 1) is **DISMISSED**.

SO ORDERED.

ENTERED: January 24, 2014

s/William C. Lee
William C. Lee, Judge
United States District Court