

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

TOMMY GOINS,	)	
	)	
Petitioner,	)	
	)	
v.	)	CAUSE NO. 3:13-CV-800 WL
	)	
SUPERINTENDENT,	)	
	)	
Respondent.	)	

OPINION AND ORDER

Tommy Goins, a *pro se* prisoner, filed a habeas petition under 28 U.S.C. § 2254 challenging a prison disciplinary proceeding. (DE 1.) On June 17, 2013, Goins was found guilty of engaging in an unauthorized financial transaction under cause number WCC #13-05-0795. (DE 9-2.) As a result he lost phone privileges for 28 days. (*Id.*) The hearing officer also imposed a suspended sanction of 30 days lost earned-time credits. (*Id.*) Under the Indiana Department of Correction Adult Disciplinary Procedures (“ADP”), a suspended sanction can only remain in effect for six months, after which time it becomes unenforceable. (DE 9-6.) More than six months have passed since the suspended sanction was imposed, and it was never enforced. (*See* DE 9-3.)

Based on the above, the respondent moves to dismiss the petition.<sup>1</sup> (DE 9.) As the respondent points out, the disciplinary conviction at issue did not lengthen Goins’s sentence, nor could it, since the suspended sanction pertaining to his earned time credits has expired. Because the disciplinary conviction did not lengthen his sentence, Goins cannot challenge it in a habeas petition. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge

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<sup>1</sup> More than 28 days have passed since the motion was filed, and no response or objection has been received.

disciplinary proceeding under 28 U.S.C. § 2254 only when the punishment imposed lengthens the duration of his confinement); *Montgomery v. Anderson*, 262 F.3d 641, 643 (7th Cir. 2001) (only a disciplinary conviction that affects the fact or duration of custody can be challenged under 28 U.S.C. § 2254).

For the reasons set forth above, the motion to dismiss (DE 9) is GRANTED, and the petition (DE 1) is DISMISSED.

SO ORDERED.

ENTERED: April 30, 2014

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