

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

JESSE McNEELEY,)	
)	
Petitioner,)	
)	Case No. 3:14-CV-1701-JVB
v.)	
)	
SUPERINTENDENT)	
)	
Respondent.)	

OPINION AND ORDER

Jesse McNeeley, a *pro se* prisoner, filed an amended habeas corpus petition (DE 5) challenging the prison disciplinary hearing (WCC 13-12-305) that was held on December 19, 2013, where he was found guilty of possessing a controlled substance in violation of B-202 and deprived of 60 days earned credit time. The respondent has filed an answer along with the administrative record. McNeeley asked for additional time to file a traverse and was granted until February 12, 2015. Though McNeeley did not file a traverse, the deadline has long since passed and the court will now rule on the habeas corpus petition.

The respondent argues that the claims raised in the petition are procedurally defaulted because McNeeley did not appeal and present them to the Final Reviewing Authority. On the amended petition, McNeeley states that he did not appeal to the Final Reviewing Authority. DE 5 at 1. “[T]o exhaust a claim, and thus preserve it for collateral review under § 2254, a prisoner must present that legal theory to the . . . Final Reviewing Authority . . .” *Moffat v. Broyles*, 288 F.3d 978, 982 (7th Cir. 2002). Because these claims are procedurally defaulted, habeas corpus is **DENIED** and this case is **DISMISSED**.

SO ORDERED on August 18, 2015.

s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen
United States District Judge
Hammond Division