

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

ADAM WHITNEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:15 CV 201
	)	
BRUCE LEMON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

Adam Whitney, a *pro se* prisoner, submitted a complaint under 42 U.S.C. § 1983. (DE #1.) “A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted).

Nevertheless, pursuant to 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. FED. R. CIV. P. 12(b)(6) provides for the dismissal of a complaint, or any portion of a complaint, for failure to state a claim upon which relief can be granted. Courts apply the same standard under § 1915A as when addressing a motion under RULE 12(b)(6). *Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). “In order to state a claim under § 1983 a plaintiff must allege: (1) that defendants deprived

him of a federal constitutional right; and (2) that the defendants acted under color of state law.” *Savory v. Lyons*, 469 F.3d 667, 670 (7th Cir. 2006).

Here, Whitney is currently incarcerated at the Indiana State Prison. He alleges that false disciplinary charges were filed against him. He further claims that he was denied due process during his prison disciplinary hearing as well as his subsequent appeals and grievances. In case number ISP 15-01-0039, he was found guilty of possessing a cell phone. He argues that he is not guilty of that charge, but this is not the proper proceeding to challenge the prison disciplinary hearing board’s finding because “habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement . . . .” *Heck v. Humphrey*, 512 U.S. 477, 481 (1994).

In *Edwards v. Balisok*, 520 U.S. 641 (1997), the United States Supreme Court made clear that the principles of *Heck* also apply to prison disciplinary cases.

In *Heck*, this Court held that a state prisoner’s claim for damages is not cognizable under 42 U.S.C. § 1983 if a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence, unless the prisoner can demonstrate that the conviction or sentence has previously been invalidated.

*Edwards*, 520 U.S. at 643 (citation and quotation marks omitted). Here, Whitney has not even alleged that the finding of guilt has been invalidated. Because a finding of liability in this case would inherently undermine the validity of his disciplinary hearing, he may not proceed with these claims until that finding is overturned on administrative appeal or in a habeas corpus proceeding.

For the foregoing reasons, this case is **DISMISSED WITHOUT PREJUDICE**  
pursuant to 28 U.S.C. § 1915A.

**SO ORDERED.**

Date: June 17, 2015

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