

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

RAMAR DANIELS,)	
)	
Petitioner,)	
)	
vs.)	CAUSE NO. 3:16-CV-219
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

This matter is before the Court on the: (1) 28 U.S.C. § 2254 Habeas Corpus Petition by a State Prisoner Challenging a Prison Disciplinary Proceeding, filed by Ramar Daniels, a *pro se* prisoner, on April 11, 2016; and (2) Motion to Dismiss, filed by the respondent on July 25, 2016. For the reasons set forth below, the motion to dismiss (DE 9) is **GRANTED** and the petition (DE 1) is **DISMISSED as moot**. The Clerk is **DIRECTED** to close this case.

BACKGROUND

On January 15, 2016, in case number WCC 16-01-0234, a Disciplinary Hearing Body ("DHB") at Westville Correctional Facility found Daniels guilty of assault/battery. Ramar Daniels filed this habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the resulting sanctions: loss of phone privileges, 180 days of segregation, and a demotion from credit class 1 to credit class 2, which was suspended for six months. (DE 1 at 6.)

DISCUSSION

The respondent moves to dismiss, stating that the sanctions imposed by the hearing officer did not actually lengthen the duration of the Petitioner's confinement. To date, Daniels has not responded to this motion.

It is true that a prison disciplinary action can only be challenged in a federal habeas corpus proceeding where it lengthens the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). According to the Respondent's submissions, the suspended sanction of being demoted in credit class was never imposed and, because six months have passed, cannot now be imposed. (DE 10-1.) Thus, neither the loss of phone privileges, 180 days in segregation, nor the suspended demotion in credit class lengthened the duration of Daniels' confinement. Because the finding of guilt Daniels complains of did not lengthen the duration of his confinement, his claims are not cognizable in a § 2254 action.

"Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." *Forbes v. Trigg*, 976 F.2d 308, 312 (7th Cir. 1992), *cert. denied*, 507 U.S. 950 (1993). A case becomes moot when "it no longer present[s] a case or controversy under Article III, § 2, of the Constitution." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Notably, this Petitioner suffers no collateral harm from the finding of guilt in the disciplinary action that forms the

basis of this cause of action because demotion in credit class was never imposed and cannot now be imposed. There is no longer any risk that the Petitioner will serve additional time as a result of the finding of guilt in the disciplinary action he challenges.

CONCLUSION

For the reasons set forth above, the motion to dismiss (DE 9) is **GRANTED** and the petition (DE 1) is **DISMISSED as moot**. The Clerk is **DIRECTED** to close this case.

DATED: August 18, 2016

/s/RUDY LOZANO, Judge
United State District Court