

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TONY A. LEE,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:16CV770-PPS
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Tony A. Lee, a *pro se* prisoner, filed a habeas corpus petition challenging the prison disciplinary hearing (MCF 15-10-376) in which a Miami Correctional Facility Disciplinary Hearing Officer (“DHO”) found him guilty of Possession or Use of a Controlled Substance in violation of B-202 on November 13, 2015. He was sanctioned with the loss of 90 days earned credit time.

After he filed this petition, the Indiana Department of Correction (“IDOC”) vacated the guilty finding and remanded the case for a new hearing. (DE 7-1.) Based on the IDOC’s action, the respondent moves to dismiss the petition as moot. (DE 7.) As the respondent points out, because the guilty finding and accompanying sanctions have 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).

Lee has not responded to the motion and the time for doing so has now passed. *See* N.D. Ind. L. Cr. R. 47-2 (Petitioner has 28 days to file a reply). Nevertheless, he has succeeded here as his charges and sanctions have been reversed. Thus, this case must be dismissed because there is no case or controversy to adjudicate. *Id.* Accordingly, the petition will be dismissed. If Lee is dissatisfied with the results of the new hearing, he is free to file a new habeas petition after exhausting his administrative remedies.

For these reasons, the court **GRANTS** the motion to dismiss (DE 7) and **DISMISSES** this case.

SO ORDERED.

ENTERED: March 24, 2017.

 /s/ Philip P. Simon
Judge
United States District Court