

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

|                   |   |                              |
|-------------------|---|------------------------------|
| RANDALL CAPATINA, | ) |                              |
|                   | ) |                              |
| Petitioner,       | ) |                              |
|                   | ) | CAUSE NO. 3:17-cv-85-RLM-JEM |
| vs.               | ) |                              |
|                   | ) |                              |
| SUPERINTENDENT,   | ) |                              |
|                   | ) |                              |
| Respondent.       | ) |                              |

OPINION AND ORDER

Randall Capatina, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in WCC 16-08-456 where a Disciplinary Hearing Officer found him guilty of threatening another in violation of Indiana Department of Correction Policy B-213. He was sanctioned with the loss of 60 days earned credit time.

After Mr. Capatina filed his petition, the Indiana Department of Correction reduced the charge and restored his earned credit time. The Respondent has moved to dismiss because this case is now moot. Because the challenged disciplinary sanctions affecting the length of his incarceration have been vacated, this case must be dismissed. 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). Mr. Capatina argues that Respondent's motion should be denied because "to reduce the charge level and vacate the sanctions, however, that does not moot the controversy of his having been deprived of his

due process rights in the hearing and conviction...” (emphasis omitted). Mr. Capatina only had procedural due process rights to the extent that he received a sanction that affected the duration of his sentence. *See id.* There is no such sanction against Mr. Capatina, so he has no corresponding due process rights pertaining to this disciplinary proceeding. Because he has obtained all relief possible, there is nothing left for this court to review.

For these reasons, the motion [Doc. No. 14] is GRANTED and this case is DISMISSED. The clerk shall enter judgment accordingly.

SO ORDERED.

ENTERED: October 5, 2017

    /s/ Robert L. Miller, Jr.      
Judge  
United States District Court