

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

DAVID ANDREW HATMAKER, SR.,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:17-CV-274 PPS-MGG
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

This matter is before the court on the habeas corpus petition filed by David Andrew Hatmaker, Sr., a pro se prisoner. The petition attempts to challenge the prison disciplinary hearing (ISO 17-01-08) where the Disciplinary Hearing Officer (DHO) found him guilty of possession of a controlled substance in violation of B-202. [DE 1 at 1.] The DHO sanctioned him with the loss of 30 days earned credit time. [*Id.*] However, the deprivation was suspended and has not yet been imposed. [*Id.*] As such, he has not yet been deprived of a liberty interest as a result of this hearing.

A prison disciplinary action can only be challenged in a habeas corpus proceeding where it results in the lengthening of the duration of confinement. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Here, because this disciplinary proceeding did not result in the lengthening of the duration of his confinement, habeas corpus relief is not available. Because there is no relief that he can obtain in this habeas corpus proceeding,

the petition will be denied. If in the future this suspended sanction is imposed, then he may file another habeas corpus petition challenging it.

For the reasons set forth above, the court **DENIES** the petition pursuant to Section 2254 Habeas Corpus Rule 4 and this case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

ENTERED: May 22, 2017.

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT