

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ANTOINE BIRD,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:17-CV-349-RLM-MGG
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Antoine Bird, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in NCN 16-04-0063 where a Disciplinary Hearing Officer at New Castle Correctional Facility found him guilty of unauthorized possession of property in violation of B-215 on May 6, 2016. Mr. Bird was sanctioned with the loss of 60 days earned credit time and demoted from Credit Class 1 to Credit Class 2.

After Mr. Bird filed his petition, the finding of guilt and sanctions were vacated. The respondent superintendent has filed a motion to dismiss because this case is now moot. ECF 7. Mr. Bird didn't file a response and the time for doing so has passed. See N.D. Ind. L. Cr. R. 47-2. Because the challenged disciplinary proceeding and sanctions 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).

For these reasons, the motion (ECF 7) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED.

ENTERED: December 12, 2017

/s/ Robert L. Miller, Jr.

Judge

United States District Court