

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TYRONE TAPP,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:17-CV-590-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Tyrone Tapp, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in CIC 170-02-173 where a Disciplinary Hearing Officer (DHO) at the Correctional Industrial Facility found him guilty of engaging in an unauthorized financial transaction in violation of B-220 on February 20, 2017. ECF 1 at 1. As a result, Tapp was sanctioned with the loss of 60 days earned credit time. *Id.*

After Tapp filed his petition, the finding of guilt and sanctions were vacated. ECF 7-1. The Warden has now filed a motion to dismiss because this case is now moot. ECF 7. Tapp did not file a response and the time for doing so has passed. *See* N.D. Ind. L. Cr. R. 47-2. Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Tapp has already won and there is no case left for this court to decide. Accordingly, 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).

