

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

STEPHEN M. DEANE,)
)
 Petitioner,)
)
 vs.)
)
 SUPERINTENDENT,)
)
 Respondent.)

CAUSE NO. 3:17CV617-PPS

OPINION AND ORDER

Stephen M. Deane, a prisoner without an attorney, filed a habeas corpus petition challenging the prison disciplinary hearing (ISP 17-06-163) where a Disciplinary Hearing Officer (DHO) found him guilty of filing a frivolous claim in violation of B-243 and sanctioned him with the loss of 30 days earned credit time on June 22, 2017. Deane does not dispute that the LaPorte Circuit Court dismissed his case and held that “[t]he Petitioner’s Claim is deemed frivolous under Ind. Code 34-58-1-2(b).” *Deane v. Neal*, 46C01-1705-CT-873 (LaPorte Circuit Court June 9, 2017), available at <https://public.courts.in.gov/mycase/#/vw/CaseSummary/eyJ2Ijpb7IkNhc2VUb2tlbiI6Ik5UUXhNa k15TnpFMU1qZ3dPall4TkRRMk5UY3lPV009In19>.

Rather, Deane merely argues that prison officials should not have read the court order sent to him by the LaPorte Circuit Court. This is incorrect. “[C]ommunications from courts [such as this one] are public documents, which the prison officials have as much right to read as the prisoner” *Guajardo-Palma v. Martinson*, 622 F.3d 801, 804 (7th Cir. Wis. 2010) (citations omitted). Indeed, that State court order is available on the internet at the web address above for anyone to read and I have attached a copy to this order as an exhibit. Because reading that State court order is not

a basis for habeas corpus relief, the petition is **DENIED** pursuant to Section 2254 Habeas Corpus Rule 4. The clerk is **DIRECTED** to close this case.

SO ORDERED.

ENTERED: August 28, 2017

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

STATE OF INDIANA)
) SS:
 COUNTY OF LAPORTE) IN THE LAPORTE CIRCUIT COURT
 CONTINUOUS TERM, 2017

STEPHEN DEANE, DOC #995424)
 Petitioner,)
)
 Vs.)
) CAUSE NO. 46C01-1705-CT-873
)
 SUPERINTENDENT RON NEAL,)
 INDIANA STATE PRISON)
 Defendant.)

**ORDER GRANTING REDUCTION OF FILING FEES AND
 DISMISSAL OF COMPLAINT**

Fee Waiver

Plaintiff, STEPHEN DEANE, an offender confined in the Indiana State Prison, having commenced a proceeding in this Court without having paid filing fees, and having submitted with his pleadings a certified copy of his prison trust fund account statement for the six (6) months proceeding his submission of his petition, the Court, hereby **FULLY WAIVES** Petitioner's filing fees pursuant to Ind. Code § 33-37-3-3©.

Having considered Petitioner's prison trust fund account statement in light of Ind. Code § 33-37-3-3(c), the Court **HEREBY WAIVES** the entire filing fee required to this Court.

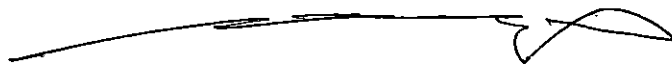
Dismissal of Complaint

The Court, having reviewed Petitioner's petition pursuant to Ind. Code 34-58-1-2, now finds:

1. The Petitioner's Claim lacks an arguable basis in law and in fact.
2. The Petitioner's Claim is deemed frivolous under Ind. Code 34-58-1-2(b).
3. The Petitioner's Claim may not proceed under Ind. Code 34-58-1-2(a).

IT IS THEREFORE ORDERED that the Petitioner's petition to is hereby DISMISSED.

SO ORDERED on this the 9th day of June, 2017.



HON. THOMAS J. ALEVIZOS

Judge

cc: Stephen Deane, #995424, Indiana State Prison, 1 Park Row, Michigan City, IN 46360
File Clerk
rjo
//gor