

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

BRANDON TILLIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 3:17-CV-917-JD-MGG
	)	
WARDEN,	)	
	)	
Respondent.	)	

OPINION AND ORDER

Brandon Tillis, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in WCC 17-04-392 where a Disciplinary Hearing Officer (DHO) at the Westville Correctional Facility found him guilty of Possession or Use of a Controlled Substance in violation of B-202 on May 4, 2017. ECF 6-1 at 1. As a result, Tillis was sanctioned with the loss of 10 days earned credit time. *Id.*

After Tillis filed his petition, the finding of guilt and sanctions were vacated. ECF 6-2. The Warden has filed a motion to dismiss because this case is now moot. ECF 6. Tillis 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, Tillis 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).

For these reasons, the motion (ECF 6) is GRANTED and the case is DISMISSED.

The clerk is DIRECTED to close this case.

SO ORDERED on April 23, 2018.

\_\_\_\_\_/s/ JON E. DEGUILIO\_\_\_\_\_  
JUDGE  
UNITED STATES DISTRICT COURT