

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CHRISTOPHER M. PITCOCK,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:18-CV-092-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Christopher M. Pitcock, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 17-09-382 where a Disciplinary Hearing Officer (DHO) at the Indiana State Prison found him guilty of Disorderly Conduct in violation of B-236 on October 3, 2017. ECF 1 at 1. As a result, Pitcock was sanctioned with the loss of 60 days earned credit time and was demoted from Credit Class 1 to Credit Class 2. *Id.*

After Pitcock filed his petition, the finding of guilt and sanctions were vacated. ECF 7-1. The Warden has filed a motion to dismiss because this case is now moot. ECF 7. Pitcock 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, Pitcock 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 7) is GRANTED and the case is DISMISSED.

The clerk is DIRECTED to close this case.

SO ORDERED on July 27, 2018

_____/s/ JON E. DEGUILIO_____
JUDGE
UNITED STATES DISTRICT COURT