

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MICHAEL HISER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 3:18-CV-128-JD-MGG
	)	
WARDEN,	)	
	)	
Respondent.	)	

OPINION AND ORDER

Michael Hiser, a prisoner without a lawyer, filed an amended habeas corpus petition challenging his prison disciplinary hearing in MCF 17-07-556 where a Disciplinary Hearing Officer (DHO) at the Miami Correctional Facility found him guilty of aiding an assault or battery resulting in serious bodily injury in violation of A-111/A-102 on July 20, 2017. ECF 5 at 1, ECF 11-2. As a result, Hiser was sanctioned with the loss of 3 days earned credit time and demoted one credit class. ECF 11-2.

After Hiser filed his petition, the finding of guilt and sanctions were vacated. ECF 11-1. The Warden has filed a motion to dismiss because this case is now moot. ECF 11. Hiser 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, Hiser 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 11) is GRANTED and the case is DISMISSED.

The clerk is DIRECTED to close this case.

SO ORDERED on August 27, 2018

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