

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF INDIANA
 SOUTH BEND DIVISION

TAVARES S. BROWNING,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:18-CV-175-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Tavares S. Browning, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 17-09-347 where a Disciplinary Hearing Officer (DHO) at the Indiana State Prison found him guilty of Possession or Use of a Controlled Substance in violation of B-202 on October 2, 2017. ECF 1 at 1. As a result, Browning was sanctioned with the loss of 90 days earned credit time. *Id.*

After Browning filed his petition, the finding of guilt and sanctions were vacated. ECF 7-2. The Warden has filed a motion to dismiss because this case is now moot. ECF 7. Browning 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, Browning 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