

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CURTIS F. SAMPLE, JR.,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:18-CV-281-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Curtis F. Sample, Jr., a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 17-06-0238 where a Disciplinary Hearing Officer (DHO) at the Indiana State Prison found him guilty of making or possessing intoxicants in violation of B-231 on June 29, 2017. ECF 1 at 1. As a result, Sample was sanctioned with the loss of 90 days earned credit time and a one-step demotion in credit class. *Id.*

After Sample filed his petition, the finding of guilt and sanctions were vacated. ECF 10 at 5. The Warden has filed a motion to dismiss because this case is now moot. ECF 10. Sample did not file a response and the time for doing so has passed. *See* N.D. Ind. L.R. 7-1(d)(2)(A). 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, Sample 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 10) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED on October 29, 2018

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