

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

FRANK VILLALOBOS,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:19-CV-936-RLM-MGG

OPINION AND ORDER

Frank Villalobos, a prisoner without a lawyer, filed a habeas corpus petition attempting to challenge a prison disciplinary hearing (WCC 18-11-0042) in which he was found guilty of unauthorized possession/destruction of property in violation of Indiana Department of Correction offense B-215. (ECF 2-1 at 10.) In his petition, Mr. Villalobos indicates he was sanctioned with a ten-day phone call and commissary restriction, but no grievous loss. (ECF 1 at 1, 3.) The report of disciplinary hearing submitted with his petition indicates he was sanctioned with a 90-day loss of earned credit, but the sanction was suspended. (ECF 2-1 at 10.) Either way, Mr. Villalobos hasn't yet lost earned credit time as a result of the hearing.

A prison disciplinary hearing can only be challenged in a habeas corpus proceeding when it resulted in the lengthening of the duration of confinement. Hadley v. Holmes, 341 F.3d 661, 664 (7th Cir. 2003). Because this disciplinary hearing didn't result in the lengthening of the duration of Mr. Villalobos's confinement, habeas corpus relief isn't available. Because there is no relief that

he can obtain in this habeas corpus proceeding, the court will deny the petition. If the suspended sanction is imposed in the future, then he may file another habeas corpus petition.

For these reasons, the court DENIES the petition pursuant to Section 2254 Habeas Corpus Rule 4 and the case is DISMISSED WITHOUT PREJUDICE.

SO ORDERED on October 31, 2019

s/ Robert L. Miller, Jr. _____
JUDGE
UNITED STATES DISTRICT COURT