

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ROBERT D. STOREY,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:20-CV-425-JD-MGG

OPINION AND ORDER

Robert D. Storey, a prisoner without a lawyer, filed a habeas corpus petition challenging the prison disciplinary hearing (WCC 18-05-388) where he pleaded guilty to Fighting in violation of Indiana Department of Correction offense C-372 on May 24, 2018. ECF 1 at 1. As a result, the Disciplinary Hearing Officer (DHO) sanctioned him with a written reprimand, "No fighting in the IDOC." ECF 1-1 at 3.

A prison disciplinary action can only be challenged in a habeas corpus proceeding where it results in the lengthening of the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Storey argues that as a result of this charge, he was transferred and his classification was changed. As a result of those events, he believes the duration of his confinement has been extended because he was not qualified for work release. However, the duration of his confinement was not directly extended by this disciplinary hearing and collateral consequences are not a basis for habeas corpus release. *See Cochran v. Buss*, 381 F.3d 637, 641 (7th Cir. 2004) (collateral

consequences of prison disciplinary proceeding are not a basis for habeas corpus relief).

Therefore he cannot challenge this disciplinary action in a habeas corpus proceeding.

If Storey wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed in forma pauperis on appeal because pursuant to 28 U.S.C. § 1915(a)(3) an appeal in this case could not be taken in good faith. Nevertheless, if he files a notice of appeal, he may ask the United States Court of Appeals for leave to proceed in forma pauperis by filing a motion with the Circuit Court along with a copy of this order demonstrating that he has already been denied leave to proceed in forma pauperis by the District Court.

For these reasons, the court:

- (1) DENIES the habeas corpus petition (ECF 1);
- (2) DIRECTS the clerk to enter judgment; and
- (3) DENIES Robert D. Storey leave to proceed in forma pauperis on appeal.

SO ORDERED on May 28, 2020

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