

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JEROME A. MILIAN, JR.,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:20-CV-1063-MGG

OPINION AND ORDER

Jerome A. Milian, Jr., a prisoner without a lawyer, filed a habeas corpus petition challenging his disciplinary hearing in case MCF 20-02-0084, where a hearing officer found him guilty of possessing a dangerous weapon in violation of Indiana Department of Correction (IDOC) policy A-106. ECF 2 at 1. As a result, he was sanctioned with the loss of 180 days earned credit time and a one-step demotion in credit class. *Id.*

After Milian filed his petition, the finding of guilt and sanctions were vacated. ECF 10-1 at 1. The Warden has filed a motion to dismiss because this case is moot. ECF 10. Milian did not file a response and the time for doing so has passed. *See* N.D. Ind. L.R. 7-1(d)(3)(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, Milian 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 to dismiss (ECF 10) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED this March 29, 2021.

s/Michael G. Gotsch, Sr.
Michael G. Gotsch, Sr.
United States Magistrate Judge