UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION

TORRENCE BELCHER,

Plaintiff,

v.

CAUSE NO. 3:23CV650-PPS/MGG

LINDSEY MILLIGAN, LYDIA BLOOM, and K. READ,

Defendants.

OPINION AND ORDER

Torrence Belcher, a prisoner without a lawyer, filed an amended complaint alleging he has received three falsified conduct reports for sexual conduct. ECF 18. "A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, under 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

Belcher alleges each of the defendants falsely accused him of sexual conduct at the prison. In each instance, he alleges he was found guilty during a prison disciplinary hearing and lost earned credit time. In *Edwards v. Balisok*, 520 U.S. 641 (1997), the United States Supreme Court made clear that the principles of *Heck v. Humphrey*, 512 U.S. 477,

481 (1994), also apply to prison disciplinary cases. That is to say, if a judgment for monetary damages would "necessarily imply the invalidity" of the finding of guilt in his prison disciplinary proceeding, he may not proceed with a lawsuit unless he "can demonstrate that the conviction or sentence has previously been invalidated." *Edwards*, 520 U.S. at 643. Here, Belcher's guilty findings have not been invalidated and judgment in his favor would necessarily imply those findings of guilt were invalid. Therefore, this case must be dismissed without prejudice.

ACCORDINGLY:

This case is DISMISSED WITHOUT PREJUDICE.

SO ORDERED on December 1, 2023.

/s/ Philip P. Simon

UNITED STATES DISTRICT COURT