

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

WILLIAM JAMES RAY,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:24-CV-654-JTM-APR

OPINION and ORDER

William James Ray, a prisoner without a lawyer, filed a habeas corpus petition challenging the disciplinary proceedings (MCF-23-4-289) at the Miami Correctional Facility in which a disciplinary hearing officer found him guilty of possessing a controlled substance in violation of Offense 202. As a result, he was sanctioned with a loss of earned credit time, but that sanction was suspended and has not been imposed. Pursuant to Section 2254 Habeas Corpus Rule 4, the court must dismiss the petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.”

“[A] habeas corpus petition must attack the fact or duration of one’s sentence; if it does not, it does not state a proper basis for relief under § 2254.” *Washington v. Smith*, 564 F.3d 1350, 1351 (7th Cir. 2009). While Ray was sanctioned with a loss of earned credit time, the sanction was suspended and has not been imposed, so the disciplinary proceedings have not increased the duration of his sentence. Because Ray’s claims do

not relate to the fact or duration of his sentence, the court cannot grant him habeas relief.

If Ray 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 the court finds pursuant to 28 U.S.C. § 1915(a)(3) that an appeal in this case could not be taken in good faith.

For these reasons, the court:

- (1) DENIES the habeas corpus petition (DE # 1);
- (2) DIRECTS the clerk to enter judgment and close this case; and
- (3) DENIES William James Ray leave to proceed in forma pauperis on appeal.

SO ORDERED.

Date: August 28, 2024

s/James T. Moody _____
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT