

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ZANE T. PADGETT,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:24-CV-975-PPS-APR

OPINION AND ORDER

Zane T. Padgett, a prisoner without a lawyer, filed an amended habeas petition challenging a disciplinary decision (ISP-23-9-2829) at the Indiana State Prison in which a disciplinary hearing officer (DHO) found him guilty of impairment of surveillance under Indiana Department of Correction Offense 209. He was sanctioned with a loss of ninety days credit time, but the sanction was suspended and can no longer be imposed. Pursuant to Section 2254 Habeas Corpus Rule 4, I 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). According to the petition, no sanction affecting the duration of Padgett’s sentence, such as a loss of earned credit time or a credit class demotion, was imposed. Because Padgett’s claims do not relate to the fact or duration of his sentence, I cannot grant him habeas relief.

If Padgett 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 amended habeas corpus petition [DE 3];
- (2) **DIRECTS** the Clerk to enter judgment and close this case; and
- (3) **DENIES** Zane T. Padgett leave to proceed in forma pauperis on appeal.

SO ORDERED.

ENTERED: January 27, 2025.

/s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT