

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION

ANTHONY D. OWEN,)
Petitioner,)
v.) No. 4:17-CV-98-RL-JEM
WARDEN,)
Respondent.)

OPINION AND ORDER

This matter is before the Court on the Motion to Dismiss Petition as Moot filed on by Warden on May 3, 2018. ECF 8. Anthony D. Owen, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 17-04-0275 where a Disciplinary Hearing Officer (DHO) at the Indiana State Prison found him guilty of possession of a hazardous chemical in violation of A-106 on April 28, 2017. ECF 1 at 1. As a result, Owen was sanctioned with the loss of 90 days earned credit time. *Id.*

After Owen filed his petition, the finding of guilt and sanctions were vacated. ECF 8-2. The Warden has filed a motion to dismiss because this case is now moot. ECF 8. Owen did not file a response and the time for doing so has passed. See N.D. Ind. L. Cr. R. 47-2. 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, Owen 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 (ECF 8) is **GRANTED** and the case is **DISMISSED**. The Clerk is **DIRECTED** to close this case.

DATED: June 6, 2018

/s/ RUDY LOZANO, Judge
United States District Court