

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

CHRISTOPHER HAM,)
Petitioner,)
v.) No. 1:08-cv-495-DFH-JMS
WENDY KNIGHT, Superintendent,)
Respondent.)

Entry Discussing Petition for Writ of Habeas Corpus

In a proceeding identified as No. IYC 08-02-07-0043, Christopher Ham was disciplined by a conduct board at the Plainfield Correctional Facility for violating a prison rule. The conduct board sanctioned Ham with the imposition of a 2-level reduction in the time-earning classification. That sanction, however, was suspended. A suspended sanction in Indiana can be imposed for only up to six (6) months after becoming effective. During that period, the suspended sanction was not imposed. In this case, Ham's sanction was imposed and suspended in February 2008, and through the passage of time can no longer be enforced. Because the suspended sanction has expired without being imposed and no longer can be, Ham's challenge to the underlying disciplinary proceeding is moot. *La. Envtl. Action Network v. United States Envtl. Protection Agency*, 382 F.3d 575, 581 (5th Cir. 2004) ("If a dispute has been resolved, or if it has evanesced because of changed circumstances, it is considered moot.") (citing *Am. Med. Ass'n v. Bowen*, 857 F.2d 267 (5th Cir. 1988)). The respondent has filed a motion to dismiss the action on this basis, and for the reasons explained above that motion is **granted**.

A court lacks jurisdiction to adjudicate a claim that is moot. *Diaz v. Duckworth*, 143 F.3d 345, 347 (7th Cir. 1998); *Board of Educ. of Downers Grove Grade School Dist. No. 58 v. Steven L.*, 89 F.3d 464, 467 (7th Cir. 1996). Accordingly, this action must now be dismissed for lack of jurisdiction. Judgment consistent with this Entry shall now issue.

So ordered.



DAVID F. HAMILTON, Chief Judge
United States District Court

Date: 9/23/2008