

No. 1:09-cv-00912-LJM-TAB

3. The common claim presented by the plaintiffs is the tired contention that inmates are entitled to wages prescribed under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-219. They also allege that their Thirteenth Amendment right to be free from involuntary servitude was violated because of the nominal compensation paid to them while performing job assignments at Wabash Valley. These contentions have been authoritatively rejected, see *Sanders v. Hayden*, 544 F.3d 812, 814 (7th Cir. 2008), and *Vanskike v. Peters*, 974 F.2d 806, 809 (7th Cir. 1992), leaving them without a federally secured right to vindicate under 42 U.S.C. § 1983. *Middlesex County Sewerage Auth. v. Nat'l Sea Clammers Ass'n*, 453 U.S. 1, 19 (1981); *Juriss v. McGowan*, 957 F.2d 345, 349 n.1 (7th Cir. 1992).

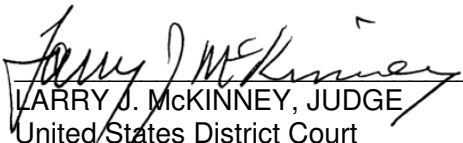
4. Plaintiff Davies asserts as a claim unique to his own circumstances, this being his claim for the loss of earned credit time because of a disciplinary proceeding. This claim must be dismissed without prejudice. The settled law in these circumstances is that when a prisoner makes a claim that, if successful, could shorten his term of imprisonment, the claim must be brought as a habeas petition, not as a § 1983 claim. *Heck v. Humphrey*, 512 U.S. 477 (1994). In *Edwards v. Balisok*, 520 U.S. 641 (1997), the foregoing rule was “extend[ed] . . . to the decisions of prison disciplinary tribunals.” *Gilbert v. Cook*, 512 F.3d 899, 900 (7th Cir. 2007).

III.

For the reasons explained above, the complaint fails to survive the screening required by § 1915A because it fails to contain a legally viable claim. Dismissal of the action pursuant to 28 U.S.C. § 1915A(b) is therefore mandatory, *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002), and judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 12/02/2009


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana