

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JACK M. ESTES, II,)	
)	
Petitioner,)	
v.)	No. 1:10-cv-1433-JMS-MJD
)	
WENDY KNIGHT,)	
)	
Respondent.)	

Entry Discussing Petition for Writ of Habeas Corpus

"A case is moot when issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Erie v. Pap's A.M.*, 529 U.S. 277, 287 (2000) (internal citations omitted). Thus, "if an event occurs while a case is pending . . . that makes it impossible for the court to grant 'any effectual relief whatever' to a prevailing party, the [case] must be dismissed." *Id.* (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895)).

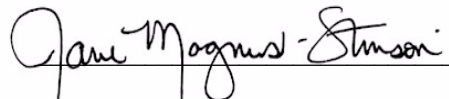
In a prison disciplinary proceeding identified as No. IYC 09-04-0159, Jack M. Estes, II, was found guilty of the unauthorized use or possession of an electronic device. The sanctions imposed included a suspended 15-day earned credit time. That sanction has not expired and can no longer be imposed. Accordingly, Estes cannot now satisfy the "in custody" requirement of the federal habeas corpus statute, 28 U.S.C. § 2254(a). *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004) (per curiam).

A court lacks jurisdiction over a claim which is moot, *Board of Educ. of Downers Grove Grade School Dist. No. 58 v. Steven L.*, 89 F.3d 464, 467 (7th Cir. 1996), *cert. denied*, 117 S. Ct. 1556 (1997). When it is determined that a court lacks jurisdiction, its only course of action is to announce that fact and dismiss the case. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998)("Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.")(quoting *Ex parte McCardle*, 7 Wall, 506, 514, 19 L.Ed. 264 (1868)).

The respondent's motion to dismiss [13] is **granted**. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 05/24/2011


 Hon. Jane Magnus-Stinson, Judge
 United States District Court
 Southern District of Indiana