

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

COURTNEY LONG,)	
)	
Petitioner,)	
v.)	No. 1:11-cv-794-TWP-TAB
)	
ALLAN P. FINNAN,)	
)	
Respondent.)	

Entry Discussing Petition for Writ of Habeas Corpus

This cause is before the court on the petition for a writ of habeas corpus of Courtney Long (Dkt. No. 1).

Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face. *McFarland v. Scott*, 512 U.S. 849, 856 (1994). This authority is conferred by Rule 4 of the *Rules Governing Section 2254 Cases in United States District Courts*, which provides that upon preliminary consideration by the district court judge, "[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the petitioner to be notified." See *Small v. Endicott*, 998 F.2d 411, 414 (7th Cir. 1993).

A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. 2254(a) only if it finds the applicant is in custody in violation of the Constitution or laws or treaties of the United States. *Id.* Long is confined at an Indiana prison and seeks review of and relief from a disciplinary proceeding in which he was sanctioned with non-contact job restrictions and a higher level security. These sanctions were non-custodial and therefore are not the type of sanctions which can be challenged in a habeas corpus

petition. See, *Mamone v. United States*, 559 F.3d 1209 (11th Cir. 2009); *Virsnieks v. Smith*, 521 F.3d 707, 713 (7th Cir. 2008). A sanction which does not constitute custody cannot be challenged in an action for habeas corpus relief. *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004); *Montgomery v. Anderson*, 262 F.3d 641, 644-45 (7th Cir. 2001).

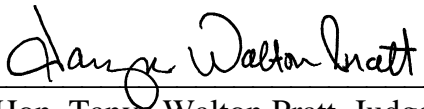
Because Long's habeas petition shows on its face that he is not entitled to the relief he seeks, the action (Dkt. No. 1) is **summarily dismissed** pursuant to *Rule 4*. Judgment consistent with this Entry shall now issue. Long's motion for leave to proceed in forma pauperis (Dkt. No. 2) is **denied** as moot.

IT IS SO ORDERED.

Date: 07/08/2011

Distribution:

Courtney Long
DOC #108201
Pendleton Correctional Facility
Inmate Mail/Parcels
4490 West Reformatory Road
Pendleton, IN 46064


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana