

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

THOMAS EDMOND,	)	
	)	
Petitioner,	)	
v.	)	Case No. 1:13-cv-0379-SEB-DML
	)	
DUSHAN ZATECKY,	)	
	)	
Respondent.	)	

**Entry Discussing Petition for Writ of Habeas Corpus**

In a prison disciplinary proceeding identified as No. ISR 12-07-0105, petitioner Thomas Edmond was found guilty of possession of an electronic device. Thomas was sanctioned with the loss of 19 days earned good time, a period of time in disciplinary segregation, and a written reprimand. Edmond’s administrative appeals were rejected, but after the habeas action was filed the Indiana Department of Correction reviewed the matter, vacated the finding of misconduct, and ordered a rehearing.

The action by the DOC in vacating the prior finding of misconduct renders this action moot. *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992) (“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.”)(quoting *Mills v. Green*, 159 U.S. 651, 653 (1895)). “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).

A case which is moot must be dismissed for lack of jurisdiction. *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 [Dkt. No. 8] is **granted**. Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 06/17/2013



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

Thomas Edmond  
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Inmate Mail/Parcels  
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Pendleton, IN 46064

All electronically registered counsel