

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF INDIANA
 INDIANAPOLIS DIVISION

RANDAL YOUNG,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13-cv-01606-TWP-DKL
)	
BRIAN SMITH, JASON GEIGER,)	
JULIE CUNNINGHAM, CHARLES)	
PENFOLD, JOHN DOE within the Indiana)	
Department of Corrections,)	
)	
Defendants.)	

Entry Dismissing Complaint and Directing Further Proceedings

Plaintiff Randal Young (“Mr. Young”) an inmate at the Plainfield Correctional Facility (“Plainfield”) filed this civil rights complaint pursuant to 42 U.S.C. § 1983. The complaint is now subject to the screening requirement of 28 U.S.C. § 1915A(b). This statute directs that the court must dismiss a complaint or any claim within a complaint which “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” *Id.* For the reasons explained below, the complaint is dismissed pursuant to § 1915A(b).

Mr. Young sues four Indiana Department of Correction (“IDOC”) employees for their role in the disciplinary hearing and appeals process at Plainfield. Specifically, Mr. Young alleges that IDOC has an unconstitutional policy that discriminates against offenders for using “money pack numbers” or “e-money” instead of traditional paper currency. He explains that offenders caught with currency or paper money are charged with “possession of currency” a Class C minor

Offense while offenders caught with money pack numbers or e-money are charged with “engaging in an unauthorized financial transaction” a Class B Major Offense. Mr. Young states that money pack numbers are a form of currency and qualify as a negotiable instrument under the Uniform Commercial Code and he therefore has a liberty interest in receiving and possessing “money pack” numbers. He seeks a declaratory judgment and injunctive relief.

Mr. Young explains that he was found guilty in two disciplinary actions of engaging in an unauthorized financial transaction as a result of his possession of money pack numbers. In each case he was sanctioned with 60 days deprivation of earned credit time (a total of 120 days). See *dkt. 6*. The claims against Defendant’s Brian Smith, Jason Geiger, Julie Cunningham, and Charles Penfold relate indirectly to the imposition of disciplinary sanctions against Mr. Young and are necessarily based on actions which resulted in the imposition of a sanction which lengthened the anticipated duration of Mr. Young’s confinement.

The settled law 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); *Edwards v. Balisok*, 520 U.S. 641 (1997) (extending *Heck* to the decisions of prison disciplinary tribunals); *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004). Because good-time credits are affected by the actions challenged in this law suit, Mr. Young’s claims must be “construed as seeking a judgment at odds with . . . [prison authorities’] calculation of time to be served in accordance with the underlying sentence.” *Muhammad v. Close*, 540 U.S. 749, 754-55 (2004). The challenge to any disciplinary proceeding here, whether direct or indirect, is premature. See *Edwards*, 520 U.S. at 643-49.

The claims for declaratory and injunctive relief must be dismissed, though they shall be dismissed without prejudice in order to permit Mr. Young to challenge the administrative

deprivation of good time credits or other actions which have affected the anticipated duration of his confinement by seeking habeas corpus relief in an appropriate civil action.

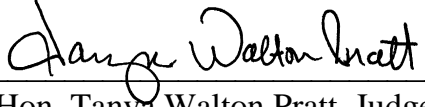
The petitioner shall have **through November 15, 2013**, in which to show cause why Judgment consistent with this Entry shall not issue.

IT IS SO ORDERED.

Date: 10/29/2013

Distribution:

RANDAL YOUNG
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727 MOON ROAD
PLAINFIELD, IN 46168


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