

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JIMMY D. JONES,

Petitioner,

v.

RICHARD BROWN Superintendent,

Respondent.

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No. 1:16-cv-02235-JMS-DML

**Entry and Order Dismissing Action**

Jimmy Jones seeks a writ of habeas corpus with respect to a prison disciplinary proceeding identified as No. NCN 13-01-0013. In the course of this action, the Indiana Department of Correction reviewed the disciplinary case and decided to dismiss the disciplinary hearing board's guilty verdict and rescind the sanctions including the earned credit time loss. The respondent argues that because the conviction and sanctions challenged in this case have been vacated and completely dismissed this action is now moot and must be dismissed. Jones has not opposed the motion to dismiss.

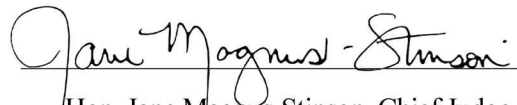
A case becomes moot, and the federal courts lose subject matter jurisdiction, when a justiciable controversy ceases to exist between the parties. *See Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992) ("if an event occurs while a case is pending . . . that makes it impossible for 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)); *Honig v. Doe*, 484 U.S. 305, 317 (1988) (grounding mootness doctrine in the Constitution's Article III requirement that courts adjudicate only "actual, ongoing cases or controversies"). The development described

above, being that the finding of misconduct was vacated and the sanctions rescinded, renders the action moot. 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).

The respondent's motion to dismiss, dkt. [16], is **granted**. Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 7/28/2017

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

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