

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JUSTIN BURNETT,)
Petitioner,)
vs.) No. 1:17-cv-01032-TWP-DML
SUPERINTENDENT,)
Respondent.)

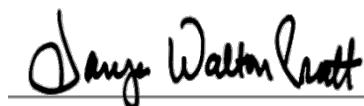
Entry Dismissing Petition for Writ of Habeas Corpus

In a prison disciplinary proceeding identified as No. NCN 16-10-0007, the petitioner was found guilty of violating prison rules and was sanctioned. That determination has since been vacated, the sanctions restored, and the matter expunged from the petitioner's records.

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.* Because the petitioner is not "in custody" based on the sanctions imposed in the challenged disciplinary hearing No. NCN 16-10-0007, the habeas action is moot, and an action which is moot must be dismissed for lack of jurisdiction. *Diaz v. Duckworth*, 143 F.3d 345, 347 (7th Cir. 1998); *Board of Educ. of Downers Grove Grade School Dist. No. 58 v. Steven L.*, 89 F.3d 464, 467 (7th Cir. 1996). The respondent's unopposed motion to dismiss, dkt. [10], is **granted**. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 8/29/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Electronically registered counsel

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