

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

MARK CASPER,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:17-cv-01405-JMS-MJD
)	
RICHARD BROWN,)	
)	
Respondent.)	

Entry and Order Dismissing Action

In a prison disciplinary proceeding identified as No. CIC 17-01-0276, the petitioner was found guilty of attempted escape and was sanctioned. Those charges have since been reduced and the sanctions affecting the duration of the petitioner’s incarceration have been vacated and the deprived credit time has been returned to the petitioner. [dkt. 9-1]. The respondent argues that this action is now moot and must be dismissed. The petitioner did not file a response despite seeking an extension of time to do so.

Discussion

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”). “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).

In this case, the disciplinary proceedings associated with No. CIC 17-01-0276 were reduced and the deprived time was returned to the petitioner. [dkt. 9-1].

These developments render the action moot.


Conclusion

Because there is no sanction affecting the fact or duration of confinement in this case, the petition must be dismissed as moot.

The respondent's motion to dismiss, dkt. [9], is **granted**. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 8/3/2017


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

Distribution:

MARK CASPER
115399
WABASH VALLEY - CF
WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels
6908 S. Old US Hwy 41
P.O. Box 1111
CARLISLE, IN 47838

Aaron T. Craft
INDIANA ATTORNEY GENERAL
aaron.craft@atg.in.gov