

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

|                  |   |                           |
|------------------|---|---------------------------|
| DAVID S. TAYLOR, | ) |                           |
|                  | ) |                           |
| Petitioner,      | ) |                           |
|                  | ) |                           |
| v.               | ) | No. 1:17-cv-04420-TWP-TAB |
|                  | ) |                           |
| SUPERINTENDENT,  | ) |                           |
|                  | ) |                           |
| Respondent.      | ) |                           |

**Order Granting Petitioner’s Motion to Dismiss Petition for Writ of Habeas Corpus**

David S. Taylor’s petition for a writ of habeas corpus challenges his disciplinary conviction in disciplinary case number IYC 17-08-0005 on August 6, 2017. Mr. Taylor’s petition states that, as a result of that conviction, he was deprived of 180 days’ earned credit time and demoted one credit class. In his Motion to Dismiss, dkt. [6], Mr. Taylor notified the Court that the facility’s appeal review officer has since vacated his sanctions, returned his lost credit time, and designated his disciplinary charges for rehearing. As a result, Mr. Taylor asks the Court to dismiss his petition as moot. The Court **grants** Mr. Taylor’s motion.

“A case becomes moot when it no longer presents a case or controversy under Article III, Section 2 of the Constitution.” *Eichwedel v. Curry*, 700 F.3d 275, 278 (7th Cir. 2012). “In general a case becomes moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.” *Id.* (citation and quotation marks omitted). A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. § 2254 only if it finds the applicant “is *in custody* in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a) (emphasis added). Therefore, a habeas action becomes moot if the Court can no longer

“affect the duration of [the petitioner’s] custody.” *White v. Ind. Parole Bd.*, 266 F.3d 759, 763 (7th Cir. 2001).

Mr. Taylor’s conviction and sanctions were vacated and thus can no longer affect the duration of his custody. Accordingly, his habeas action is moot. *See id.* An action which is moot must be dismissed for lack of jurisdiction. *See Diaz v. Duckworth*, 143 F.3d 345, 347 (7th Cir. 1998).

Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 2/13/2018



---

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

Distribution:

DAVID S. TAYLOR  
217855  
PLAINFIELD - CF  
PLAINFIELD CORRECTIONAL FACILITY  
Inmate Mail/Parcels  
727 MOON ROAD  
PLAINFIELD, IN 46168

David Corey  
INDIANA ATTORNEY GENERAL  
david.corey@atg.in.gov