

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

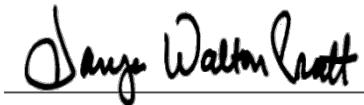
“affect the duration of [the petitioner’s] custody.” *White v. Ind. Parole Bd.*, 266 F.3d 759, 763 (7th Cir. 2001).

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

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