

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

DERON JEFFERS,)	
)	
Petitioner,)	
v.)	Case No. 2:15-cv-00153-JMS-MJD
)	
BRIAN SMITH,)	
Respondent.)	

**Entry Discussing Petition for Habeas Corpus, Severing Case into Two Actions,
and Directing Respondent to Show Cause**

I.

The clerk shall **update the docket** to reflect the spelling of the petitioner’s first name as “Deron.”

Brian Smith, the Superintendent of Putnamville Correctional Facility is the proper sole respondent in this action. The clerk shall **update the docket** accordingly, and terminate any other respondents.

The petitioner’s motion to proceed *in forma pauperis* [dkt. 2] is **denied as moot** because he paid the filing fee.

II.

The petitioner seeks habeas corpus relief with respect to two prison disciplinary proceedings. Each disciplinary proceeding challenged has the status of a separate “court” proceeding. The proceedings must be challenged separately. This is the consequence of Rule 2(d) of the Rules Governing Section 2254 Cases in the United States District Courts. *See Boriboune v. Berge*, 391 F.3d 852, 854 (7th Cir. 2004) (“each petition must be directed to a single criminal judgment”). At present, therefore, there is one habeas action matched with two disciplinary

proceedings. The ratio must be one to one. This action, No. 2:15-cv-00153-JMS-MJD, will proceed as to the challenge to the disciplinary proceeding identified as BTC 14-09-0250, for which petitioner was charged with disorderly conduct on September 11, 2014.

III.

The clerk shall **open a new civil action using the same petition, with the nature of suit code 530 and cause of action 28:2254**, to address the petitioner's challenge to the disciplinary proceeding for case number BTC 14-09-0262, for which petitioner was charged with disorderly conduct on September 14, 2014. The respondent shall be Brian Smith.

The Court will direct the payment of a filing fee for that second action and will issue an order to show cause after the new case is opened.

IV.

The first two grounds asserted by the petitioner shall be treated as a challenge to the sufficiency of the evidence to support the conviction. The petitioner's custodian shall have **through July 6, 2015**, in which to answer the allegations of the petitioner's petition for a writ of habeas corpus, but only with respect to the challenge to BTC 14-09-0250, and in doing so shall show cause why the relief sought by the petitioner should not be granted. The petitioner shall have twenty-eight (28) days after service of such answer or return to order to show cause on him in which to reply. A copy of this Entry and Order to Show Cause shall be sent to the Indiana Attorney General through a Notice of Electronic Filing ("NEF") generated by the court's CM/ECF case management system. The Indiana Attorney General has previously been provided with a copy of the habeas petition itself.

V.

The clerk shall include a copy of the petition filed on May 27, 2015 (docket 1), and the attachments thereto with the petitioner's copy of this Entry.

IT IS SO ORDERED.

Date: 06/02/2015


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

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NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.