

time to appeal it before his transfer to the prison system, which was too late to follow the jail's administrative appeal process. Whether the Department of Correction has correctly calculated Hart's release date is a different question than whether the jail's sanction should have been imposed without an opportunity to appeal. The former question is not before the Court while the latter question has become moot due to it being vacated by the Department of Correction.

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). "Federal courts lack subject matter jurisdiction when a case becomes moot." *Pakovich v. Verizon LTD Plan*, 653 F.3d 488, 492 (7th Cir. 2011). A case must be dismissed "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." *Id.* (quoting *Cornucopia Inst. v. U.S. Dep't of Agric.*, 560 F.3d 673, 676 (7th Cir. 2009)). The event in this action is the restoration of the good time credits taken from Hart for conduct while he was at the Vanderburgh County Jail. That was the only action challenged in this action, and no meaningful relief can now be awarded to Hart under the claims presented in his petition. The issue presented in Hart's response to the motion to dismiss is not properly before the Court.

Respondent's motion to dismiss the action as moot, dkt. [11], is **granted**. A dismissal for mootness is a dismissal for lack of jurisdiction. *Board of Educ. of Downers Grove Grade School Dist. No. 58 v. Steven L.*, 89 F.3d 464, 467 (7th Cir. 1996).

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 10/11/2017


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

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