

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

KENTE BARKER,)	
)	
Petitioner,)	
)	
v.)	No. 2:20-cv-00205-JPH-MJD
)	
DICK BROWN,)	
)	
Respondent.)	

**ENTRY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
AND DIRECTING ENTRY OF FINAL JUDGMENT**

In a prison disciplinary proceeding identified as No. RDC 19-10-0057, the petitioner was found guilty of violating prison rules on November 8, 2019. In his motion to dismiss, the respondent reports that the only sanctions that could have affected the duration of the petitioner's custody, a deprivation of 180-days' earned credit time and a one step credit class demotion, were vacated by the Indiana Department of Correction Appeal Review Officer on August 24, 2020. Dkt. 9-4. The petitioner's case was designated for a rehearing. *Id.*

A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. § 2254(a) only if it finds the applicant "is in custody in violation of the Constitution or laws or treaties of the United States." *Id.* Because the petitioner is not "in custody" based on the sanctions imposed in the challenged disciplinary hearing, the habeas action is moot. *See Eichwedel v. Curry*, 700 F.3d 275, 279 (7th Cir. 2012). A moot case must be dismissed for lack of jurisdiction. *Home Care Providers, Inc. v. Hemmelgarn*, 861 F.3d 615, 620 (7th Cir. 2017).

Accordingly, for the above reasons, the respondent's unopposed motion to dismiss this action as moot, dkt. [9], is **granted**. Judgment consistent with this Entry shall now issue.

SO ORDERED.

Date: 10/21/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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