

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MICHAEL K. JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:15-cv-0795-JMS-MJD
)	
LISA F. BORGES, CHRIS HOLLANDER,)	
TIMOTHY O'CONNELL, CHIEF JUDGE,)	
INDIANA COURT OF APPEALS,)	
CHRISTINA KLINEMAN,)	
)	
Defendants.)	

Entry Dismissing Action

The complaint in this action was screened in accordance with 28 U.S.C. § 1915A, and the complaint was dismissed for failure to state a claim upon which relief can be granted. The plaintiff was given an opportunity to show cause why the action should not be dismissed, and he filed a response on January 26, 2016.

In this response, the plaintiff continues to allege that Judge Lisa Borges, Attorney Chris Hollander, Attorney Timothy O'Connell, the Chief Judge of the Indiana Court of Appeals, and Judge Christina Klineman committed malicious prosecution or failed to prevent him from being subjected to malicious prosecution. However, his response fails to address the Court's Entry of July 16, 2015, that dismissed the complaint.

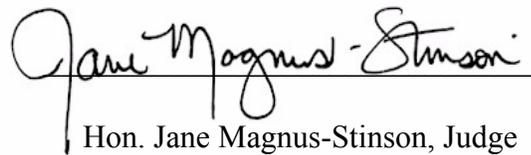
The plaintiff also attached documents to his response that refer to a disciplinary proceeding. [dkt. 23-2, pp. 15-35]. To the extent that the conduct report and subsequent disciplinary proceeding resulted in the deprivation of earned good time credit or a demotion in credit class, his claims must be dismissed. The settled law in these circumstances is that when a prisoner makes a claim that, if

successful, could shorten his term of imprisonment, the claim must be brought as a habeas petition, not as a § 1983 claim. *Heck v. Humphrey*, 512 U.S. 477 (1994).

The Court has considered the plaintiff's response, but for the reasons set forth in the Entry of July 16, 2015, the complaint fails to state a claim upon which relief can be granted and this action is **dismissed pursuant to 28 U.S.C. § 1915A**. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: February 11, 2016

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

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

Distribution:

Michael K. Johnson, #973475
Miami Correctional Facility
Inmate Mail/parcels
3038 West 850 South
Bunker Hill, IN 46914