

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

LAMONE LAUDERDALE-EL,)	
)	
Petitioner,)	
)	
v.)	No. 2:20-cv-00444-JPH-DLP
)	
DUSHAN ZATECKY,)	
)	
Respondent.)	

**ENTRY GRANTING MOTION TO DISMISS AND
DIRECTING ENTRY OF FINAL JUDGMENT**

Lamone Lauderdale-El's petition for a writ of habeas corpus purports to challenge his conviction in a prison disciplinary proceeding identified as ISF 19-10-0192. *See* dkt. 1 at 1. In that proceeding, Mr. Lauderdale-El was convicted of attempting to solicit personal information from an officer, and he was punished with a loss of 60 days' earned credit time. Dkt. 8-5.

Before Mr. Lauderdale-El was convicted in ISF 19-10-0192, the Indiana Department of Correction ("IDOC") restored credit time he had previously lost. Dkt. 8-10. After he was convicted in ISF 19-10-0192, the IDOC rescinded that restoration. *Id.*

Mr. Lauderdale-El's petition does not state how he believes his rights were violated in ISF 19-10-1092. *See* dkt. 1. Rather, it concerns the rescission of his previously restored time. Indeed, Mr. Lauderdale-El asks the Court to restore 150 days of lost credit time—far more than the 60 days he lost in ISF 19-10-0192. *See* dkt. 10 at 4.

The respondent moves to dismiss this action on grounds that Mr. Lauderdale-El did not exhaust state court remedies before filing his petition. A federal court cannot grant a state prisoner's petition for a writ of habeas corpus unless he has first exhausted the remedies available

in the state's courts. 28 U.S.C. § 2254(b)(1). Challenges to the IDOC's restoration policy and decisions on restoration petitions are properly brought in Indiana's state courts. *See, e.g., Young v. Indiana Dep't Corr.*, 22 N.E.3d 716 (Ind. Ct. App. 2014). Mr. Lauderdale-El does not dispute the respondent's contention that he never challenged the rescission of his previously restored time in state court.

Therefore, the respondent's motion to dismiss, dkt. [8], is **granted**. Mr. Lauderdale-El's motion for summary judgment, dkt. [13], is **denied**. Mr. Lauderdale-El's motion for emergency preliminary injunction, dkt. [10], and his motion for briefing schedule, dkt. [12], are **denied as moot**.

This action is **dismissed without prejudice**. If Mr. Lauderdale-El wishes to challenge his conviction in ISF 19-10-0192, he may file a new petition addressing the reasons why his rights were violated in that proceeding. The **clerk is directed** to enter **final judgment** consistent with this Entry.

SO ORDERED.

Date: 1/22/2021

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

LAMONE LAUDERDALE-EL
132421
PUTNAMVILLE - CF
PUTNAMVILLE CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

Monika P. Talbot
INDIANA ATTORNEY GENERAL
monika.talbot@atg.in.gov