

NO. _____

In the
Supreme Court of the United States

KEVIN CHANDLER

Petitioner,

v.

John Galipeau

Respondent.

On Petition for Writ of Certiorari to the Indiana Court Of Appeals

APPENDIX A

Kevin Chandler , DOC# 138734

Indiana State Prison

1 PARK ROW

Michigan City, IN 46360

Petitioner - Pro se

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

May 17, 2023

Before:

Frank H. Easterbrook, Circuit Judge

Amy J. St. Eve, Circuit Judge

Thomas L. Kirsch II, Circuit Judge

KEVIN CHANDLER,
Petitioner-Appellant,

No. 23-1287 v.

JOHN GALIPEAU,
Respondent-Appellee.

] Appeal from the United
] States District Court for
] the Northern District
] of Indiana, South Bend
] Division.

]
] No. 3:22-cv-01037-RLM-MGG
]
] Robert L. Miller, Jr.,
] Judge.

ORDER

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed in the district court within 30 days of the entry of the judgment or order appealed. In this case judgment was entered on January 4, 2023, and the notice of appeal was dated February 6, 2023 and filed on February 14, 2023, is at least three days late. See Fed. R. App. P. 4(c) (prison mailbox rule). The district court has not granted an extension of the appeal period, see Rule 4(a)(5), and this court is not empowered to do so, see Fed. R. App. P. 26(b).

CERTIFIED COPY

A True Copy

Teste:

Shirley Ann Miller
Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

NO. _____

In the
Supreme Court of the United States

KEVIN CHANDLER

Petitioner,

v.

John Galipeau

Respondent.

On Petition for Writ of Certiorari to the Indiana Court Of Appeals

APPENDIX B

Kevin Chandler DOC# 138734

Indiana State Prison

1 PARK Row

Michigan City, IN 46360

Petitioner - Pro se

Case: 23-1287 Document: 00714213984

Filed: 06/20/2023 Pages: 1

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

June 16, 2023

By the Court:

No. 23-1287	KEVIN CHANDLER, Petitioner - Appellant v. JOHN GALIPEAU, Respondent - Appellee
Originating Case Information: District Court No: 3:22-cv-01037-RLM-MGG Northern District of Indiana, South Bend Division District Judge Robert L. Miller, Jr.	

Upon consideration of the **MOTION TO REVERSE DECISION**, which this court construes as a petition for rehearing and a motion for leave to file a petition for rehearing *instante*, filed on June 12, 2023, by the pro se appellant,

IT IS ORDERED that the motion to file a petition for rehearing *instante* is **DENIED**.

form name: c7_Order_BTC (form ID: 178)

CERTIFIED COPY



No. _____

In the
supreme court of the United States

KEVIN Chandler
Petitioner

V.

John Galipeau
Respondent

On Petition for writ of certiorari to the Indiana court of Appeals

APPENDIX K

Kevin Chandler, Doc #138734
Indiana State Prison
1 PARK ROW
Michigan City, IN 46360

Petitioner - Pro se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KEVIN CHANDLER,

Petitioner,

v.

CAUSE NO. 3:22-CV-1037-RLM-MGG

WARDEN,

Respondent.

OPINION AND ORDER

Kevin Chandler, a prisoner without a lawyer, filed a habeas corpus petition challenging the disciplinary decision (ISP-22-9-94) at the Indiana State Prison in which a disciplinary hearing officer found him guilty of resisting in violation of Indiana Department of Correction Offense 235 and sanctioned him with disciplinary segregation but take away any earned credit time or demote Mr. Chandler in credit class. Pursuant to Section 2254 Habeas Corpus Rule 4, the court must dismiss the petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.”

“[A] habeas corpus petition must attack the fact or duration of one’s sentence; if it does not, it does not state a proper basis for relief under § 2254.” Washington v. Smith, 564 F.3d 1350, 1351 (7th Cir. 2009). Mr. Chandler did not lose earned credit time, receive a demotion in credit class, or receive any other sanction as a result of the disciplinary hearing that increased the duration of his sentence. Because Mr.

Chandler's claims do not relate to the fact or duration of his sentence, the court cannot grant him habeas relief.

If Mr. Chandler wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. See Evans v. Circuit Court, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed in forma pauperis on appeal because the court finds pursuant to 28 U.S.C. § 1915(a)(3) that an appeal in this case could not be taken in good faith.

For these reasons, the court:

- (1) DENIES the habeas corpus petition (ECF 1);
- (2) DIRECTS the clerk to enter judgment and close this case; and
- (3) DENIES Kevin Chandler leave to proceed in forma pauperis on appeal.

SO ORDERED on January 3, 2023

s/ Robert L. Miller, Jr.
JUDGE
UNITED STATES DISTRICT COURT