

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Charles J. Borum v. Indiana Attorney General

Borum · No. 3:26-CV-673-CCB-SJF · Decided May 20, 2026

SUMMARY

The United States District Court for the Northern District of Indiana dismissed Charles J. Borum's habeas corpus petition challenging a contempt-of-court sentence. The court held that Borum was no longer in custody when he filed the petition, depriving the court of habeas jurisdiction, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	May 20, 2026
DOCKET	3:26-CV-673-CCB-SJF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a federal habeas corpus petition challenging a 68-to-70-day contempt-of-court sentence imposed by the Elkhart Superior Court. The district court screened the petition under Habeas Corpus Rule 4 and dismissed it for lack of jurisdiction.
STANDARD OF REVIEW	Under Section 2254 Habeas Corpus Rule 4, the court must dismiss a petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unpublished district court opinion; precedential status not specified in the opinion.
PARTIES	Charles J. Borum v. Indiana Attorney General

TOPICS

- federal habeas corpus
- subject matter jurisdiction
- post-conviction relief
- pleadings

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal jurisdiction

QUESTIONS PRESENTED

1. Whether the district court had habeas jurisdiction when the petitioner had completed the challenged contempt sentence and was no longer in custody when he filed the petition.

HOLDINGS

1. A federal court lacks habeas jurisdiction when the petitioner is no longer in custody, including when the challenged sentence has been completed before the petition is filed.

KEY QUOTATIONS

“Federal courts have jurisdiction to issue writs of habeas corpus under § 2241 only where the petitioner is ‘in custody in violation of the Constitution or laws or treaties of the United States.’”

“The custody requirement of the habeas corpus statute is designed to preserve the writ of habeas corpus as a remedy for severe restraints on individual liberty.”

FACTUAL BACKGROUND

The Elkhart Superior Court imposed a 68-to-70-day contempt-of-court sentence on Borum on February 4, 2026. By the time he signed and filed his federal habeas petition on May 18, 2026, he had completed the sentence and was no longer in custody.

PROCEDURAL HISTORY

The Elkhart Superior Court imposed a 68-to-70-day contempt sentence on February 4, 2026, in case number 20D06-1604-JP-148. Borum filed a federal habeas petition on May 18, 2026, but had completed the contempt sentence and was no longer in custody when he signed and filed the petition. The district court dismissed the case for lack of jurisdiction and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Samirah v. O’Connell, 335 F.3d 545, 549 (7th Cir. 2003)
- Virsnieks v. Smith, 521 F.3d 707, 717 (7th Cir. 2008)
- Hensley v. Municipal Court, 411 U.S. 345, 351 (1973)

OPINION

Borum

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

SOUTH BEND DIVISION

CHARLES J. BORUM,

Petitioner,

v. CAUSE NO. 3:26-CV-673-CCB-SJF

INDIANA ATTORNEY GENERAL,

Respondent.

OPINION AND ORDER

Charles J. Borum, a prisoner without a lawyer, filed a habeas corpus petition attempting to challenge the “68 to 70 days for contempt of court” imposed on February 4, 2026, by the Elkhart Superior Court in 20D06-1604-JP-148. ECF 1 at 8. Under 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.”¹ “Federal courts have jurisdiction to issue writs of habeas corpus under § 2241 only where the petitioner is ‘in custody in violation of the Constitution or laws or treaties of the United States.’” *Samirah v. O’Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (citing 28 U.S.C. § 2241(c)(3)); see also *Virsnieks v. Smith*, 521 F.3d 707, 717 (7th Cir. 2008). Although § 2241 may apply beyond cases of strict physical custody, the petitioner must establish that he is being subjected to conditions that “significantly restrain” his

1 Rule 4 can be applied to other types of habeas petitions besides those filed under 28 U.S.C. § 2254. See Rule 1(B) of the Rules Governing Section 2254 Cases. freedom of movement in a manner not shared by the general public. *Virsnieks*, 521 F.3d at 717. “The custody requirement of the habeas corpus statute is designed to preserve the writ of habeas corpus as a remedy for severe restraints on individual liberty.” *Hensley v. Mun. Ct.*, 411 U.S. 345, 351 (1973). Here, Borum had completed his sentence for contempt of court and was no longer in custody when he signed the petition on May 18, 2026, and filed at the counter in the South Bend courthouse. For these reasons, this case is DISMISSED for lack of jurisdiction. The clerk is DIRECTED to close this case. SO ORDERED on May 20, 2026 /s/Cristal C. Brisco

CRISTAL C. BRISCO, JUDGE

UNITED STATES DISTRICT COURT