

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

Jerry A. Smith v. M. Velazquez

Cause No. 3:23-CV-371-JD · No. 3:23-CV-371-JD · Decided March 13, 2026

SUMMARY

The United States District Court for the Northern District of Indiana granted summary judgment to disciplinary hearing officer Margarita Velazquez in Jerry A. Smith’s due process claim arising from the loss of good-time credits. Applying *Torres v. Brookman*, the court held that Smith no longer had a viable claim concerning the loss of those credits because they had been restored, notwithstanding a delay in restoration, and directed the clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Jon E. DeGuilio
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	March 13, 2026
DOCKET	3:23-CV-371-JD
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in a prisoner's Fourteenth Amendment procedural due process action. After providing notice under Federal Rule of Civil Procedure 56(f), the court granted summary judgment for Defendant.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The court applied the Seventh Circuit's rule in <i>Torres</i> concerning the effect of restoration of good-time credits on a due process claim.
PRECEDENTIAL VALUE	Unpublished federal district court opinion; nonprecedential
PARTIES	Jerry A. Smith v. M. Velazquez

TOPICS

prisoners rights

procedural due process

summary judgment

fourteenth amendment

civil rights

PRACTICE AREAS

Civil rights

Prisoner litigation

Constitutional law

Federal civil procedure

QUESTIONS PRESENTED

1. Whether restoration of a prisoner's good-time credits eliminates his Fourteenth Amendment due process claim challenging the procedures used to deprive him of those credits.
2. Whether an alleged delay in restoring the good-time credits preserves a due process claim against the disciplinary hearing officer who imposed the original sanction.
3. Whether summary judgment should be granted under Federal Rule of Civil Procedure 56(f).

HOLDINGS

1. An inmate whose good-time credits have been restored no longer has a viable due process claim related to the loss of those credits.
2. A delay in implementing restoration of good-time credits, even if it delayed release, does not preserve Smith's due process claim against the disciplinary hearing officer for the original deprivation.
3. Summary judgment was warranted in favor of Velazquez because Smith no longer had a viable due process claim after restoration of his good-time credits.

KEY QUOTATIONS

“Specifically, the fact that there was a delay in implementing the restoration of Smith’s good time credits does not change the fact that his good time credits were restored, meaning he no longer has a valid due process claim related to the loss of his good time credits under Torres.” (at 4)

“because Adams’s good time credits had been restored by the habeas case,” (Torres, 155 F.4th at 959)

FACTUAL BACKGROUND

Smith was found guilty of a prison disciplinary offense on January 3, 2022, and lost good-time credits. The credits were later restored on December 13, 2023, after an acknowledged procedural error caused an unintentional delay, and Smith was released on parole on April 4, 2024. Smith argued that the restoration did not eliminate his due process claim because the delay may have postponed his parole date.

PROCEDURAL HISTORY

Smith sued Disciplinary Hearing Officer Margarita Velazquez under 42 U.S.C. § 1983, alleging that he was deprived of good-time credits without constitutionally required notice. The court had previously permitted the claim to proceed because the credits had been restored only after Smith's term of confinement was allegedly extended. While Defendant's summary-judgment motion was pending, the Seventh Circuit decided *Torres v. Brookman*. The court notified the parties that Torres appeared to foreclose Smith's claim because his credits had

been restored, considered their submissions, granted summary judgment, directed entry of judgment for Defendant, and closed the case.

DISPOSITION

other

CASES CITED

- Wolff v. McDonnell, 418 U.S. 539 (1974)
- Burnett v. Butts, No. 22-1198, 2023 WL 5276605 (7th Cir. Aug. 16, 2023)
- Torres v. Brookman, 155 F.4th 952 (7th Cir. 2025)
- Adams v. Reagle, 91 F.4th 880, 887 (7th Cir. 2024)
- Smith v. Warden, No. 3:23-cv-356

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