

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, INDIANAPOLIS DIVISION

Andre Moton v. Allen Warden

Moton · No. 1:25-cv-00007-SEB-TAB · Decided May 18, 2026

SUMMARY

The United States District Court for the Southern District of Indiana denied Andre Moton's petition for a writ of habeas corpus challenging an Indiana prison disciplinary conviction and sanctions. The court rejected claims concerning pre-hearing confinement conditions, impartiality of the disciplinary hearing officer, mental-health considerations, appointment of counsel, and double jeopardy. The action was dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Indianapolis Division
WRITING FOR THE COURT	Sarah Evans Barker
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	May 18, 2026
DOCKET	1:25-cv-00007-SEB-TAB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a prison disciplinary conviction and sanctions, including loss of earned credit time.
STANDARD OF REVIEW	Federal habeas review of a prison disciplinary proceeding requires due process and some evidence supporting the finding of guilt. A due process violation requires deprivation of a protected liberty interest without the procedures required by Wolff v. McDonnell; alleged violations of state prison policy alone are not cognizable in federal habeas.
PRECEDENTIAL VALUE	Unknown; district-court order with no stated precedential designation.
PARTIES	Andre Moton v. Allen Warden

TOPICS

federal habeas corpus

prisoners rights

procedural due process

post-conviction relief

cruel and unusual punishment

PRACTICE AREAS

federal habeas corpus

prison disciplinary proceedings

constitutional due process

QUESTIONS PRESENTED

1. Whether Moton's alleged placement in a strip cell and deprivation of research materials and law-library access before the disciplinary hearing violated federal due process or supplied a basis for habeas relief.
2. Whether the disciplinary hearing officer was impermissibly biased or lacked impartiality because Moton had been placed in a strip cell before the hearing and was later sanctioned.
3. Whether Moton's mental-health issues required different disciplinary sanctions or appointment of counsel rather than a lay advocate.
4. Whether the disciplinary proceeding and sanctions subjected Moton to double jeopardy.

HOLDINGS

1. An alleged violation of state prison policy does not state a cognizable federal habeas claim, and Moton failed to show that the pre-hearing restrictions deprived him of material, exculpatory evidence or impaired his defense.
2. Moton failed to establish that the disciplinary hearing officer was impermissibly biased; the presumption of honesty and integrity therefore prevailed.
3. Due process did not require consideration of Moton's mental-health issues as a separate condition of the disciplinary proceeding, prohibit the sanctions imposed, or provide appointed counsel instead of a lay advocate.
4. Moton's double-jeopardy claim failed because placement in a strip cell was an administrative decision and prison discipline is a noncriminal proceeding to which double jeopardy does not apply.

KEY QUOTATIONS

"The touchstone of due process is protection of the individual against arbitrary action of government." (III)

"The due process requirement is satisfied with: 1) the issuance of at least 24 hours advance written notice of the charge; 2) a limited opportunity to call witnesses and present evidence to an impartial decision-maker; 3) a written statement articulating the reasons for the disciplinary action and the evidence justifying it; and 4) "some evidence in the record" to support the finding of guilt." (I)

FACTUAL BACKGROUND

On June 22, 2024, Officer R. Kartchner charged Moton with offense A-123, bodily fluid and fecal waste, after Moton allegedly attempted to spit on a nurse during an escort. Moton received notice of the charge, pleaded not guilty, requested a lay advocate and camera review, and received a video summary from the disciplinary hearing

officer. After a July 30 hearing, the hearing officer found him guilty based on the conduct report and video evidence and imposed a 60-day loss of earned credit time along with other sanctions.

PROCEDURAL HISTORY

Moton was charged with a prison disciplinary offense after allegedly attempting to spit on a nurse. Following screening, appointment of a lay advocate, a disciplinary hearing, a guilty finding, and sanctions including a 60-day loss of earned credit time, his administrative appeals were denied. He then filed this federal habeas action; the court considered the claims on the merits despite the respondent's exhaustion argument, denied the petition, dismissed the action with prejudice, and directed entry of final judgment.

DISPOSITION

dismissed

CASES CITED

- Ellison v. Zatecky, 820 F.3d 271, 274 (7th Cir. 2016)
- Scruggs v. Jordan, 485 F.3d 934, 939 (7th Cir. 2007)
- Rhoiney v. Neal, 723 F. App'x 347, 348 (7th Cir. 2018)
- Superintendent, Mass. Corr. Inst. v. Hill, 472 U.S. 445, 454 (1985)
- Wolff v. McDonnell, 418 U.S. 539, 556, 563-67, 569-70 (1974)
- Washington v. Boughton, 884 F.3d 692, 698 (7th Cir. 2018)
- Estelle v. McGuire, 502 U.S. 62, 68 n.2 (1991)
- Keller v. Donahue, 271 F. App'x 531, 532 (7th Cir. 2008)
- Piggie v. Cotton, 344 F.3d 674, 678 (7th Cir. 2003)
- Jones v. Cross, 637 F.3d 841, 847 (7th Cir. 2011)
- Toliver v. McCaughtry, 539 F.3d 766, 780-81 (7th Cir. 2008)
- Washington v. Smith, 564 F.3d 1350, 1351 (7th Cir. 2009)
- Piggie v. Cotton, 342 F.3d 660, 666-67 (7th Cir. 2003)
- Perotti v. Marberry, 355 F. App'x 39, 43 (7th Cir. 2009)
- Withrow v. Larkin, 421 U.S. 35, 47 (1975)
- Eads v. Hanks, 280 F.3d 728, 729 (7th Cir. 2002)
- Decker v. Bell, 772 F. App'x 339, 341 (7th Cir. 2019)
- Hudson v. United States, 522 U.S. 93, 98-99 (1997)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS
DIVISION ANDRE MOTON,)) Petitioner,)) v.) No. 1:25-cv-00007-SEB-TAB) ALLEN
Warden,)) Respondent.) ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

AND DIRECTING ENTRY OF FINAL JUDGMENT Andre Moton's petition for a writ of habeas corpus seeks relief from his conviction and sanctions in prison disciplinary case ISR 24-06-1862.

For the following reasons, his petition is denied, and this action is dismissed with prejudice. I. Overview Prisoners in Indiana custody may not be deprived of good-time credits or of credit-earning class without due process. *Ellison v. Zatecky*, 820 F.3d 271, 274 (7th Cir. 2016); *Scruggs v. Jordan*, 485 F.3d 934, 939 (7th Cir. 2007); see also *Rhoiney v. Neal*, 723 F. App'x 347, 348 (7th Cir.

2018). The due process requirement is satisfied with: 1) the issuance of at least 24 hours advance written notice of the charge; 2) a limited opportunity to call witnesses and present evidence to an impartial decision-maker; 3) a written statement articulating the reasons for the disciplinary action and the evidence justifying it; and 4) "some evidence in the record" to support the finding of guilt.

Superintendent, Mass. Corr. Inst. v. Hill, 472 U.S. 445, 454 (1985); see also *Wolff v. McDonnell*, 418 U.S. 539, 563-67 (1974). II. The Disciplinary Proceeding On June 22, 2024, while Officer R. Kartchner was escorting a nurse down the range, Mr. Moton attempted to spit on the nurse. Dkt. 8-1. Officer Kartchner charged Mr. Moton with offense A-123, bodily fluid and fecal waste.

Id. Mental health staff were contacted, and they advised that Mr. Moton's mental health was not a factor in his conduct. Dkt. 8-2. On July 2, a screening officer notified Mr. Moton of the charge and provided him with a copy of the conduct report and the screening report. Dkt. 8-3.

The screening officer notified Mr. Moton of his rights and Mr. Moton pleaded not guilty. *Id.* Mr. Moton requested a lay advocate, and one was appointed. Dkt. 8-4. Mr. Moton also requested "camera review" as evidence. Dkt. 8-3.

On July 26, disciplinary hearing officer (DHO) J. Womack reviewed the video footage and provided a report summarizing the video: At 12:21pm, Sgt. Kartchner and a nurse walk onto the 2D range of CGH. The nurse stops to speak with the I.I. in cell 11 and then begins talking with the suicide companion.

The nurse then begins talking with the I.I. in cell 10-2D. She stops speaking with the individual, steps back and talks to the I.I. in cell 8-2D. Sgt. Kartchner can also be seen speaking in that direction. The nurse then quickly jumps to the side as she is speaking. Sgt. Kartchner checks her watch and writes something down on a notepad. Both Sgt. Kartchner and the nurse continue standing on the range for around 1 minute and then exit the range.

Dkt. 8-7. On July 30, DHO Womack held a hearing in case ISR 24-06-1862. Dkt. 8-6. Mr. Moton pleaded not guilty and made no comment. *Id.* Based on the conduct report and the video evidence, DHO Womack found Mr. Moton guilty of offense A-123, bodily fluid and fecal waste. *Id.* The

DHO sanctioned Mr. Moton to a 60-day loss of earned credit time and other non-grievous sanctions.

Id. Mr. Moton's appeals were denied. This habeas action followed. III. Discussion Mr. Moton's claims are: 1) he was placed in a strip cell and deprived of materials and law library access before his hearing, in violation of Indiana Department of Correction (IDOC) policy; 2) he was denied an impartial decisionmaker; 3) he should not have been sanctioned with more than 30 days in segregation due to his mental health issues; 4) he should have been appointed counsel; 5) he was subjected to double jeopardy.

Dkt. 1 at 4-6. The respondent first argues that Mr. Moton failed to exhaust his administrative remedies as to one of his claims, but the Court finds it more efficient to consider the claims on the merits. See *Washington v. Boughton*, 884 F.3d 692, 698 (7th Cir. 2018). A. "Sanctions" Imposed Pre-Hearing Mr. Moton first argues that he was deprived of research materials when he was placed in a strip cell before his hearing, which impaired his ability to prepare a defense.

To the extent this claim is based on an alleged violation of IDOC policy, it does not state a cognizable claim for habeas relief. *Estelle v. McGuire*, 502 U.S. 62, 68 at n.2 (1991) ("state-law violations provide no basis for federal habeas review."); *Keller v. Donahue*, 2008 WL 822255, 271 Fed. Appx. 531, 532 (7th Cir. Mar. 27, 2008) (an inmate "has no cognizable claim arising from the prison's application of its regulations.").

Moreover, Mr. Moton has not shown how his right to prepare a defense was impaired. Due process affords an inmate in a disciplinary proceeding a limited right to present "evidence in his defense when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals." *Wolff*, 418 U.S. at 566. But due process is not violated unless the inmate is deprived of an opportunity to present material, exculpatory evidence.

See *Piggie v. Cotton*, 344 F.3d 674, 678 (7th Cir. 2003). Evidence is exculpatory if it undermines or contradicts the finding of guilt, see *Jones v. Cross*, 637 F.3d 841, 847 (7th Cir. 2011), and it is material if disclosing it creates a "reasonable probability" of a different result, *Toliver v. McCaughtry*, 539 F.3d 766, 780–81 (7th Cir. 2008).

The petitioner has the burden of establishing that the evidence he was denied was material and exculpatory. *Piggie*, 344 F.3d at 678. Mr. Moton has not identified any exculpatory evidence that he was denied, nor has he shown how he could have discredited the evidence relied on by the DHO.

In addition, this claim amounts to a challenge to the conditions of Mr. Moton's confinement, not the fact or duration of his confinement. If a habeas petition does not attack the fact or duration of the petitioner's sentence, it does not state a viable basis for relief. *Washington v. Smith*, 564 F.3d

1350, 1351 (7th Cir 2009). There was no viable habeas claim or due process violation under these circumstances.

B. Impartial Decisionmaker In a related claim, Mr. Moton argues that because he was placed in a strip cell before his hearing and then sanctioned after the hearing, his "hearing" was not impartial. Dkt. 1 at 4. Hearing officers "are entitled to a presumption of honesty and integrity" absent clear evidence to the contrary. *Piggie v. Cotton*, 342 F.3d 660, 666 (7th Cir.

2003); *Perotti v. Marberry*, 355 F. App'x 39, 43 (7th Cir. 2009) (citing *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). Indeed, "the constitutional standard for impermissible bias is high," and hearing officers "are not deemed biased simply because they presided over a prisoner's previous disciplinary proceeding" or because they are employed by the IDOC. *Piggie*, 342 F.3d at 666.

Instead, hearing officers are impermissibly biased when, for example, they are "directly or substantially involved in the factual events underlying the disciplinary charges, or in the investigation thereof." *Id.* at 667. Another possible example of bias is if the DHO were found to have an intimate relationship with a crucial witness in the case. See *Eads vs. Hanks*, 280 F.3d 728, 729 (7th Cir.

2002). None of those circumstances are alleged here. Mr. Moton has not presented clear evidence of bias. The presumption that the DHO was not biased prevails. C. Mental Health and Denial of Counsel Mr. Moton next argues that he should not have been placed in segregation before his hearing, and he should have been appointed counsel instead of a lay advocate, because he is mentally ill. There is no specific due process requirement that mental health issues be considered during disciplinary proceedings, nor are certain sanctions off limits for various disabilities.

See *Wolff*. In this case, the record includes a copy of an email in which mental health staff were asked whether Mr. Moton's mental health was a factor in his culpability for "body fluids and fecal waste." Dkt. 8-2. The response was "MH was not a factor." *Id.* In addition, the Supreme Court has not required the appointment of counsel for inmates going through the disciplinary process.

Wolff, 418 at 569-70 (there is no right to counsel in disciplinary proceedings because of high costs, delay, and other practical problems). Instead, to accommodate limitations such as if the inmate involved is illiterate or the issues are complex, *Wolff* held that a lay advocate should be made available to assist the inmate. *Id.* at 570.

In this case, a lay advocate was appointed. There was no due process violation under these circumstances. D. Double Jeopardy Mr. Moton's final claim is that he was subjected to double jeopardy because he was placed in a strip cell before the hearing and other sanctions were imposed after the hearing. Mr. Moton's double jeopardy claim fails as a matter of law.

His being placed in a strip cell was an administrative decision, not part of the disciplinary sanctions. Dkt. 8-12. In addition, "double jeopardy does not apply to non-criminal proceedings" and "prison discipline is non-criminal." *Decker v. Bell*, 772 F. App'x 339, 341 (7th Cir. 2019) (citing *Wolff*, 418 U.S. at 556; *Hudson v. United States*, 522 U.S. 93, 98-99 (1997)).

This claim fails. IV. Conclusion "The touchstone of due process is protection of the individual against arbitrary action of government." *Wolff*, 418 U.S. at 558. There was no arbitrary action in any aspect of the charge, disciplinary proceedings, or sanctions involved in the events identified in this action, and there was no constitutional infirmity in the proceeding which entitles Mr. Moton to the relief he seeks.

Accordingly, Mr. Moton's petition for a writ of habeas corpus must be denied and the action dismissed with prejudice. Judgment consistent with this Order shall now issue. IT IS SO ORDERED. Date: 5/18/2026 Tuk, Bous Biker SARAH EVANS BARKER, JUDGE United States District Court Southern District of Indiana Distribution: ANDRE MOTON 231926 NEW CASTLE - CF NEW CASTLE CORRECTIONAL FACILITY - Inmate Mail/Parcels 1000 Van Nuys Road P.O.

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