

OCT 04 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAIRO FERNANDO MIER-CARDENAS,

Petitioner - Appellant,

v.

NEIL H. ADLER, Warden,

Respondent - Appellee.

No. 09-16836

D.C. No. 1:09-cv-00209-LJO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Federal prisoner Jairo Fernando Mier-Cardenas appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas petition. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Mier-Cardenas challenges a disciplinary decision in which he was found guilty of possession, manufacture, or introduction of a hazardous tool. He contends that he did not receive adequate notice of the charges. This contention fails because Mier-Cardenas was provided with enough information about the factual basis for the charge “to enable him to marshal the facts and prepare a defense.” *Wolff v. McDonnell*, 418 U.S. 539, 564 (1974).

Mier-Cardenas also contends that the hearing officer’s decision was not supported by the evidence. “Some evidence” supports the prison disciplinary decision. *Superintendent v. Hill*, 472 U.S. 445, 454 (1985).

AFFIRMED.