

AUG 19 2013

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOEL PHILLIPE SCOTT,

Petitioner - Appellee,

v.

ROBERT H. TRIMBLE, WARDEN,

Respondent - Appellant.

No. 11-17670

D.C. No. 2:08-cv-02370-JKS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
James K. Singleton, District Judge, Presiding

Submitted August 15, 2013**
San Francisco, California

Before: REINHARDT, GRABER, and HURWITZ, Circuit Judges.

Warden Robert Trimble appeals the district court's grant of Noel Scott's petition for a writ of habeas corpus under 28 U.S.C. § 2254. We have jurisdiction under 28 U.S.C. § 1291 and 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).

“[R]evocation of good time does not comport with the minimum requirements of procedural due process unless the findings of the prison disciplinary board are supported by some evidence in the record.” *Superintendent v. Hill*, 472 U.S. 445, 454 (1985) (internal quotation marks and citation omitted). Although the “some evidence” standard is not demanding, “there must be some indicia of reliability of the information that forms the basis for prison disciplinary actions.” *Cato v. Rushen*, 824 F.2d 703, 705 (9th Cir. 1987). Here, no reliable evidence supports the prison’s finding that Scott conspired to introduce contraband into the prison. Accordingly, the resulting revocation of 30 days of Scott’s worktime credits violated due process, and the district court properly held that Scott was entitled to habeas relief.

AFFIRMED.