

AUG 03 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KEITH DUANE ARLINE, JR.,

Plaintiff - Appellant,

v.

G. J. JANDA, Associate Warden; et al.,

Defendants - Appellees.

No. 15-55294

D.C. No. 3:11-cv-02450-JLS-NLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Janis L. Sammartino, District Judge, Presiding

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges

California state prisoner Keith Duane Arline, Jr., appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging a due process claim arising from a disciplinary hearing. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th

* 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).

Cir. 2004), and we affirm.

The district court properly granted summary judgment because Arline failed to raise a genuine dispute of fact as to whether defendant Powell's findings were not supported by some evidence. *See Superintendent v. Hill*, 472 U.S. 445, 455 (1985) (requirements of due process are satisfied if "some evidence" supports the disciplinary decision); *see also Wolff v. McDonnell*, 418 U.S. 539, 563-70 (1974) (setting forth due process requirements for prison disciplinary proceedings).

AFFIRMED.