

OCT 31 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHONY PATTERSON,

Petitioner-Appellant,

v.

R. PHILLIP GUTIERREZ,

Respondent-Appellee.

No. 15-55998

D.C. No. 2:13-cv-04842-MWF

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, GRABER, and GOULD, Circuit Judges.

Federal prisoner Anthony Patterson appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas petition challenging a disciplinary proceeding that resulted in the loss of good conduct time credits. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's denial of

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

a section 2241 habeas corpus petition, *see Tablada v. Thomas*, 533 F.3d 800, 805 (9th Cir. 2008), and we affirm.

Patterson contends that the Disciplinary Hearing Officer relied on insufficient evidence to find he assaulted his cellmate. Contrary to Patterson's contention, the sanctions imposed are supported by "some evidence." *See Superintendent v. Hill*, 472 U.S. 445, 455 (1985). Moreover, the record shows that the disciplinary proceedings complied with the procedural due process requirements delineated in *Wolff v. McDonnell*, 418 U.S. 539, 563-72 (1974). The district court received and reviewed all materials in the record even though the materials are under seal. The district court, therefore, properly denied Patterson's habeas petition.

Patterson's request for counsel is denied.

AFFIRMED.