

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 18 2019

FOR THE NINTH CIRCUIT

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

CESAR R. AVILA,

No. 17-55936

Petitioner-Appellant,

D.C. No. 5:16-cv-02582-JAK

v.

MICHAEL CARR, Warden,

MEMORANDUM*

Respondent-Appellee.

Appeal from the United States District Court
for the Central District of California
John A. Kronstadt, District Judge, Presiding

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

Federal prisoner Cesar R. Avila appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 petition for a writ of habeas corpus. We have jurisdiction under 28 U.S.C. § 1291. Reviewing de novo, *see Tablada v. Thomas*, 533 F.3d 800, 805 (9th Cir. 2008), we affirm.

* 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).

Avila's section 2241 petition alleged that his procedural due process rights were violated because the prison failed to comply with regulations requiring that an incident report be adjudicated within five working days of issuance. The district court properly rejected this claim because it is not supported by the law or the record. Instead, the record is clear that the disciplinary proceedings against Avila comported with the minimal procedural due process requirements outlined in *Wolff v. McDonnell*, 418 U.S. 539, 563-68 (1974).

We decline to address Avila's additional challenges to his disciplinary proceedings because they were not raised in the district court. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We also decline to address the government's argument that Avila's failure to exhaust his administrative remedies precludes habeas relief.

AFFIRMED.