

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 21 2019

FOR THE NINTH CIRCUIT

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

ELI SANDOVAL,

Petitioner-Appellant,

v.

MARY MITCHELL, Western Regional
Director, Federal Bureau of Prisons and
JOSIAS SALAZAR, Warden,

Respondents-Appellees.

No. 18-35536

D.C. No. 3:17-cv-01214-JR

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Submitted February 19, 2019**

Before: FERNANDEZ, SILVERMAN, and WATFORD, Circuit Judges.

Federal prisoner Eli Sandoval 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 Ivy v. Pontesso*,

* 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).

328 F.3d 1057, 1059 (9th Cir. 2003), we affirm.

Sandoval challenges a prison disciplinary proceeding in which he was sanctioned with the disallowance of good conduct time after he was found to have committed the prohibited act of possession of drugs not prescribed by the medical staff. Sandoval contends that, because he did not possess a mood-altering substance, the Disciplinary Hearing Officer (“DHO”) should have charged him with a lesser violation. Sandoval provides no authority for this contention. The record demonstrates that Sandoval received the procedural due process protections to which he was entitled. *See Wolff v. McDonnell*, 418 U.S. 539, 563-72 (1974). Moreover, “some evidence” – including Sandoval’s admissions, the incident report, prison staff statements, and photographs – supported the DHO’s decision. *See Superintendent v. Hill*, 472 U.S. 445, 455-56 (1985).

Sandoval’s motion for an extension of time is granted. The Clerk shall file the brief received at Docket Entry No. 19, which has been considered by the court.

AFFIRMED.