

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2022

FOR THE NINTH CIRCUIT

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

ROBERTO ANTOINE DARDEN,

No. 22-15204

Petitioner-Appellant,

D.C. No. 4:21-cv-00042-JGZ

v.

MEMORANDUM*

BARBARA VON BLANCKENSEE,

Respondent-Appellee.

Appeal from the United States District Court
for the District of Arizona
Jennifer G. Zips, District Judge, Presiding

Submitted November 15, 2022**

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

Federal prisoner Roberto Antoine Darden appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2241 habeas corpus petition, which challenged a prison disciplinary proceeding that resulted in the loss of good conduct time credits. We have jurisdiction under 28 U.S.C. § 1291. We review de

* 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).

novo the dismissal of a § 2241 petition, *see Alaimalo v. United States*, 645 F.3d 1042, 1047 (9th Cir. 2011), and we affirm.¹

Darden contends that procedural irregularities at his initial prison disciplinary hearing violated his due process rights. The district court properly concluded that the October 2020 rehearing rendered moot Darden's procedural due process challenges to the initial hearing. *See Frank v. Schultz*, 808 F.3d 762, 764 (9th Cir. 2015) (stating that administrative appeal process may cure due process violations).

Darden further argues that the Regional Director's decision to order a rehearing violated his right to 24-hour notice of the charges as provided by federal regulations and recognized in *Wolff v. McDonnell*, 418 U.S. 539 (1974). The authority Darden cites does not support his contention, and nothing in the record suggests that the Regional Director's order violated applicable regulations or the procedural protections set forth in *Wolff*, 418 U.S. at 563-71.

AFFIRMED.

¹ Darden's motion to supplement the record on appeal is granted. We have considered the supplemental materials as part of our review of this case.