

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 30, 2012

Lyle W. Cayce
Clerk

No. 11-10710
Summary Calendar

JEFFREY T. PINA,

Petitioner-Appellant

v.

REBECCA TAMEZ, Warden,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:10-CV-934

Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:*

Jeffrey T. Pina, federal prisoner # 24261-038, appeals the district court's denial of his 28 U.S.C. § 2241 petition for habeas corpus, arguing that the evidence was insufficient to support his prison disciplinary conviction that resulted in his forfeiting good time credits. We review for clear error the district court's factual findings and review de novo the district court's legal conclusions. *Jeffers v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-10710

Pina argues that the evidence was insufficient to show that he aided and abetted another prisoner in possessing a cell phone. “[T]he requirements of due process are satisfied if some evidence supports the decision by the prison disciplinary board to revoke good time credits.” *Superintendent, Mass. Corr. Inst., Walpole v. Hill*, 472 U.S. 445, 455 (1985). We are not required to examine the entire record, to assess independently the credibility of witnesses, or to weigh the evidence. *Id.* at 455. “[P]rison disciplinary proceedings will be overturned only where there is no evidence whatsoever to support the decision of the prison officials.” *Reeves v. Pettcox*, 19 F.3d 1060, 1062 (5th Cir. 1994).

It cannot be said in Pina’s case that “there is no evidence whatsoever to support the decision of the prison officials” that would require overturning the disciplinary proceeding. *See id.* In particular, the cell phone was found in Pina’s work area, the phone’s incoming and outgoing call log listed a telephone number found only on Pina’s approved call list, and he stated that he thought another prisoner would take responsibility for having the cell phone.

AFFIRMED.