

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

No. 16-30833
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 23, 2017

Lyle W. Cayce
Clerk

JONATHAN RODRIGUEZ-RUIZ,

Petitioner-Appellant

v.

BECKY CLAY, Warden, Federal Correctional Institution Oakdale,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:16-CV-496

Before STEWART, Chief Judge, and CLEMENT and SOUTHWICK, Circuit
Judges.

PER CURIAM:*

Jonathan Rodriguez-Ruiz, federal prisoner # 44015-177, appeals the denial of his 28 U.S.C. § 2241 habeas petition challenging his disciplinary conviction for engaging in or encouraging a group demonstration. He contends that he was not guilty of the infraction because he acted as a translator for the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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other inmates. Rodriguez-Ruiz also claims that the hearing officer violated his due process rights by denying his request to call witnesses.

The incident report constituted sufficient evidence of the offense because it detailed how Rodriguez-Ruiz encouraged other inmates to gather around a prison official. *See Hudson v. Johnson*, 242 F.3d 534, 536-37 (5th Cir. 2001). The hearing officer report indicates that Rodriguez-Ruiz was informed of his right to call witnesses but did not avail himself of the opportunity and, thus, there was no violation of his due process rights. *See Wolff v. McDonnell*, 418 U.S. 539, 563-70 (1974).

AFFIRMED.