

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted February 18, 2009*

Decided February 20, 2009

Before

WILLIAM J. BAUER, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

No. 08-3137

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MATEO MORALES,
Defendant-Appellant.

Appeal from the United States District
Court for the Western District of
Wisconsin.

No. 3:07-cr-00166-bbc-1

Barbara B. Crabb,
Chief Judge.

ORDER

Mateo Morales, a federal inmate, was found with a small amount of marijuana and disciplined by prison officials. Soon thereafter he pleaded guilty to possessing the marijuana, *see* 18 U.S.C. § 1791(a)(2), and a district court sentenced him to six months' imprisonment.

* After examining the briefs and the record, we have concluded that oral argument is unnecessary. Thus, the appeal is submitted on the briefs and the record. *See* Fed. R. App. P. 34(a)(2).

Morales now appeals, arguing that the prison disciplinary process should have barred the subsequent criminal proceeding.

This claim is without merit. We, together with every other circuit, have held that prison disciplinary proceedings do not implicate double jeopardy concerns. *See, e.g., United States v. Simpson*, 546 F.3d 394, 397-98 (6th Cir. 2008); *Fogle v. Pierson*, 435 F.3d 1252, 1261-62 (10th Cir. 2006); *Meeks v. McBride*, 81 F.3d 717, 722 (7th Cir. 1996); *Garrity v. Fiedler*, 41 F.3d 1150, 1152-53 (7th Cir. 1994). Thus, there is no reason why Morales could not be disciplined by the prison and prosecuted by the government for the very same conduct.

AFFIRMED.