

NOV 25 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN E. BARRINGTON,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>MICHAEL BABCOCK, Warden, Federal Correctional Institute; BUREAU OF PRISONS,</p> <p>Respondents - Appellees.</p>
--

No. 13-15559

D.C. No. 2:11-cv-00379-JKS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
James K. Singleton, District Judge, Presiding

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Federal prisoner John E. Barrington appeals pro se from the district court’s judgment denying his 28 U.S.C. § 2241 habeas petition. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court’s denial of a section

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

2241 habeas petition, *see Tablada v. Thomas*, 533 F.3d 800, 805 (9th Cir. 2008), and we affirm.

Barrington contends that his disciplinary proceedings, which resulted in the loss of 27 days of good conduct time, violated his due process rights because an investigating officer participated in his hearing and thereby deprived Barrington of an impartial decisionmaker. Even if this claim has been properly exhausted, it is without merit. The record reflects that Barrington's disciplinary hearing comported with due process, and that "some evidence" supports the disciplinary officer's findings. *See Wolff v. McDonnell*, 418 U.S. 539, 563-71 (1974) (setting forth due process requirements for prison disciplinary proceedings); *Superintendent v. Hill*, 472 U.S. 445, 455 (1985) (requirements of due process are satisfied if "some evidence" supports disciplinary decision).

Barrington's motion for leave to file a supplemental brief, filed January 10, 2014, is granted. The Clerk shall file the supplemental brief received on December 27, 2013.

AFFIRMED.