


1 judge shall make an order for its summary dismissal and cause the petitioner to be
2 notified.”

3 Absent a constitutional right to counsel in the first place, there can be no
4 deprivation of any right to effective assistance of counsel. *See Wainwright v. Torna*, 455
5 U.S. 586, 587-88, 102 S.Ct. 1300, 71 L.Ed.2d 475 (1982) (*per curiam*). Inmates have no
6 right to retained or appointed counsel at prison disciplinary proceedings. *See Baxter v.*
7 *Palmigiano*, 425 U.S. 308, 315, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976). Because Petitioner
8 had no right to counsel at (or after) his disciplinary proceedings, he cannot demonstrate a
9 violation of such a right. His ineffective-assistance claim fails as a matter of law.

10 For the foregoing reasons, the Court DISMISSES this action.

11 IT IS SO ORDERED.

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13 DATED: May 27, 2011

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PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE