


1 In his objections, Petitioner challenges the Magistrate Judge’s reliance on the “Notice of
2 Discipline Hearing Before the (DHO),” asserting that the signature on the notice was not
3 Petitioner’s and had been forged. (ECF No. 15 at 3.) In support of this assertion, Petitioner has
4 submitted various documents with his signature. (*Id.* at 8–10.) Assuming that the signature was
5 not Petitioner’s and Petitioner did not receive the written “Notice of Discipline Hearing Before
6 the (DHO),” Petitioner nevertheless has not established that he suffered any prejudice from not
7 receiving advanced written notice of the DHO hearing. *See Graves v. Knowles*, 231 F. App’x
8 670, 672–73 (9th Cir. 2007) (applying harmless error review to due process claims in the prison
9 disciplinary context). Petitioner does not claim that he was unable to marshal facts and prepare
10 his defense due to the failure to receive advanced written notice. In fact, “Petitioner agrees, the
11 Magistrate Judge is correct about him being aware of the charge (verbally).” (ECF No. 15 at 2.)

12 Accordingly:

- 13 1. The findings and recommendations issued on November 15, 2022, (ECF No. 14),
14 are adopted;
- 15 2. Respondent’s motion to dismiss, (ECF No. 8), is denied;
- 16 3. The petition for writ of habeas corpus is denied; and
- 17 4. The Clerk of Court is directed to closed the case.

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20 IT IS SO ORDERED.

21 Dated: February 14, 2023

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UNITED STATES DISTRICT JUDGE