

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-1568

David L. Johnson,

Appellant,

v.

Patrick Keohane,

Appellee.

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

[UNPUBLISHED]

Submitted: July 5, 2000

Filed: July 11, 2000

Before WOLLMAN, Chief Judge, FAGG and BOWMAN, Circuit Judges.

PER CURIAM.

David L. Johnson filed a 28 U.S.C. § 2241 petition for writ of habeas corpus, alleging violations of his due process rights during a prison disciplinary proceeding. The magistrate judge recommended dismissal of Johnson's petition, stating:

Given that [Johnson] was present at the hearing, had a staff representative with him, was allowed to call witnesses on his behalf, was allowed to rebut the charge, and that there was some evidence to support the finding of the [hearing officer], the Court finds that [Johnson's] due process rights

were not violated, and that there was a factual basis for the disciplinary officer's decision.

The district court agreed, Johnson appeals, and we affirm. Contrary to Johnson's view, the district court applied the correct standard of review, see Superintendent v. Hill, 472 U.S. 445, 455-56 (1985) ("the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board"); Hrbek v. Nix, 12 F.3d 777, 781 (8th Cir. 1993) (same), and as for Johnson's remaining claims, we affirm for the reasons expressed in the magistrate judge's thorough report and recommendation as adopted by the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.