

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40562
Conference Calendar

MARCO ANTONIO ZAPATA, III,

Petitioner-Appellant,

versus

MICHAEL PURDY, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CV-561

December 14, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Marco Antonio Zapata III ("Zapata"), federal prisoner # 24879-077, appeals the district court's denial of his 28 U.S.C. § 2241 petition. He alleges that his due process rights were violated after a disciplinary hearing officer ("DHO") found him in violation of Bureau of Prison ("BOP") Code # 113A for aiding another inmate in the possession of marijuana and sanctioned him with the loss of 41 days' good-conduct time. Zapata argues that there was no evidence to support the DHO's finding.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Zapata's argument fails. "[P]rison disciplinary proceedings will be overturned only where there is no evidence whatsoever to support the decision of the prison officials." Reeves v. Pettcox, 19 F.3d 1060, 1062 (5th Cir. 1994). "A de novo factual review is not required." Id. "[T]he requirements of due process are satisfied if some evidence supports the decision by the prison disciplinary board to revoke good-time credits." Superintendent, Massachusetts Correctional Inst., Walpole v. Hill, 472 U.S. 445, 455 (1985). Because some evidence supports the DHO's decision to revoke good-time credits, this court AFFIRMS the district court's judgment.