

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 24, 2008

Charles R. Fulbruge III
Clerk

No. 07-10514
Summary Calendar

BILLY MINH LE

Petitioner-Appellant

v.

WARDEN DAVID BERKEBILE

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CV-192

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Billy Minh Le, federal prisoner # 14946-064, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition challenging a prison disciplinary proceeding in which the disciplinary hearing officer (DHO) determined that Le had possessed a weapon and gambling paraphernalia. Among other sanctions, Le lost 54 days of good conduct time. Le argues that the district court erred in determining that the evidence was sufficient to support the decision of the DHO.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Le has not shown that the district court erred in determining that there was "some evidence" in the record to support the DHO's disciplinary decision as the DHO's decision was based on the charging officer's statement regarding the situation and Le's behavior, the fact that the evidence was found in Le's bunk, and Le's demeanor as he presented his claim of innocence to the DHO. See *Reeves v. Pettcox*, 19 F.3d 1060, 1062 (5th Cir. 1994).

AFFIRMED.