UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 94-20029
Summary Calendar

RAYMOND CARL KINNAMON,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas

(CA-H-90-1607)

(June 7, 1994)

Before POLITZ, Chief Judge, GARWOOD and BARKSDALE, Circuit Judges.

PER CURIAM:[*]

Raymond Carl Kinnamon, a death-row inmate at the Ellis One Unit of the Texas Department of Criminal Justice, was accused of striking a prison guard. A prison disciplinary hearing resulted in a finding of guilt which was affirmed on administrative review.

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[*]Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Denying guilt and claiming a deprivation of due process, Kinnamon invoked 42 U.S.C. § 1983. The district court dismissed his suit as frivolous under 28 U.S.C. § 1915(d) and Kinnamon timely appealed. Finding no arguable basis in law for Kinnamon's claims, we affirm.

Kinnamon complains that he was not allowed to call witnesses at his disciplinary hearing. The hearing resulted in a finding of guilt and punishment of cell restriction for fifteen days, commissary restriction for thirty days and, according to Kinnamon, removal from "death row work capable" status. This sanction falls squarely within the ambit of the **Hewitt v. Helms**[1] standard for hearing procedures rather than the more detailed and formal **Wolff v. McDonnell** standard.[2] Kinnamon was not placed in solitary confinement and his punishment did not affect the length of his confinement; his contention that the blot on his prison record will have an adverse impact on a potential retrial[3] is mere speculation.[4] Consequently, Kinnamon was not constitutionally entitled to call witnesses; under the teachings of **Hewitt** the Constitution requires only notice, an informal nonadversary evidentiary review, and an opportunity to present a statement. Kinnamon received all three. There was no due process violation.

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[1]459 U.S. 460 (1983).

[2]418 U.S. 539 (1974).

[3]In **Cook v. State**, No. 0424-92, 1994 WL 122844 (Tex.Crim.App. Apr. 13, 1994), the Texas Court of Criminal Appeals overruled its holding rejecting Kinnamon's challenge to his jury instructions on direct appeal. **Kinnamon v. State**, 791 S.W.2d 84 (Tex.Crim.App. 1990).

[4]See **Jackson v. Cain**, 864 F.2d 1235 (5th Cir. 1989).

Kinnamon also complains that he was denied an effective appeal of the disciplinary committee's decision. The Constitution provides no such entitlement. Nor is the failure of prison officials to follow their own procedural regulations a per se violation of the due process clause.[5]

AFFIRMED.

[5]**Id.**