

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 94-30400
Summary Calendar

VAN MELINIE,

Plaintiff-Appellant,

VERSUS

JOHN P. WHITLEY, Warden, Louisiana State Penitentiary, Et Al,

Defendants-Appellees.

Appeal from the United States District Court
For the Middle District of Louisiana

(D.C. No. CA-93-591-A)

(December 7, 1994)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

Van Melinie (Melinie), a state prisoner, appeals from the summary judgment which dismissed his civil rights complaint. We reject Melinie's due process argument on appeal and affirm the judgment of the district court for the following reasons:

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

1. Melinie had notice of the charges and an opportunity to respond with respect to the disciplinary sanctions imposed upon him.
2. The marijuana was found in Melinie's immediate assigned work area; accordingly, the administrative disciplinary proceeding's finding that he was in possession of marijuana is supported by some evidence and must be affirmed. See Stewart v. Thiqpen, 730 F.2d 1002, 1005-06 (5th Cir. 1984). Likewise, appellant's argument that the administrative finding was arbitrary and thus resulted in the loss of his liberty interests fails because there is some evidence of his guilt of the charges brought against him.

AFFIRM.