

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60671  
Conference Calendar

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DONNIE ELBERT CAMPBELL,

Plaintiff-Appellant,

versus

O. WELCH and M. DODSON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA C-94-255

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(January 25, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,  
Circuit Judges.

PER CURIAM:\*

Donnie Elbert Campbell filed an in forma pauperis civil rights complaint alleging due process violations as a result of disciplinary proceedings. The district court dismissed the complaint as frivolous.

The federal courts have a narrow role in the review of prison proceedings. Stewart v. Thiqpen 730 F.2d 1002, 1005 (5th Cir. 1984). If a prisoner is provided a procedurally adequate hearing prior to the imposition of disciplinary sanctions, there

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

is no constitutional violation. Id. at 1005-06. When a prisoner is subject to major disciplinary sanctions, procedural due process requires that the prisoner receive written notice of the charges at least 24 hours before the hearing; that he receive a written statement of the decision and evidence relied on by the disciplinary board; and that he be permitted to call witnesses and present documentary evidence if doing so would not present a hazard to institutional safety or correctional goals. Wolff v. McDonnell, 418 U.S. 539, 564-65, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974). Federal review of the sufficiency of the evidence is limited to determining whether the finding is supported by any evidence at all. Stewart, 730 F.2d at 1005-06.

Campbell received notice of the charges and an opportunity to present witnesses, but the hearing officer, M. Dodson, believed the officers' testimony. Because Campbell received a procedurally adequate hearing and there was some evidence to support the finding, he has not established a constitutional violation. See McCrae v. Hankins, 720 F.2d 863, 868 (5th Cir. 1983).

Campbell also argues that he was denied due process because the charging officer, O. Welch, failed to follow the prison disciplinary rules regarding the informal resolution and reporting of disciplinary infractions. A violation of prison regulations, without more, does not give rise to a constitutional violation. Hernandez v. Estelle, 788 F.2d 1154, 1158 (5th Cir. 1986). Even assuming Welch failed to comply with the rule, Campbell cannot establish a constitutional violation because he

received a procedurally adequate hearing and was able to challenge the charges. To the extent that he argues that the settlement in the Ruiz litigation changes this result, remedial court orders are a means of correcting constitutional violations, but they do not create or enlarge constitutional rights. Green v. McKaskle, 788 F.2d 1116, 1123 (5th Cir. 1986).

Finally, Campbell argues that his disciplinary hearing was inadequate because Dodson was biased against him. Campbell's argument is nothing more than the belief that Dodson must have been biased against him because he did not believe Campbell or his witness. This argument is insufficient to establish a constitutional violation. See McCrae, 720 F.2d at 868.

AFFIRMED.