

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 22, 2021

Lyle W. Cayce
Clerk

No. 21-30371
Summary Calendar

ADAM SHANE SWINDLE,

Petitioner—Appellant,

versus

S. MA'AT,

Respondent—Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:21-CV-400

Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Adam Shane Swindle, federal prisoner # 32320-001, filed a 28 U.S.C. § 2241 petition challenging his disciplinary conviction for attempted mail abuse and the resulting loss of good time credits. The Disciplinary Hearing Officer (DHO) found that Swindle attempted to have Cellmate and Convict

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Services send an item to an address in Alabama instead of to his prison address, which would have circumvented the prison's mail monitoring procedures. The district court concluded that the prison disciplinary procedures afforded Swindle due process and that some evidence supported the conviction. On appeal, Swindle argues that there was no evidence in the record to support a finding that he committed attempted mail abuse.

“[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). We review de novo whether there is “some evidence” in the record to support the decision. *Teague v. Quarterman*, 482 F.3d 769, 773 (5th Cir. 2007). Here, Swindle does not dispute that he attempted to have an item sent to a non-prison address, and he admitted that conduct during the hearing before the DHO. Therefore, there was “some evidence in the record to support the disciplinary decision.” *Broussard v. Johnson*, 253 F.3d 874, 876 (5th Cir. 2001) (internal quotation marks and citation omitted); *see* 28 C.F.R. § 541.3 (Table 1).

The judgment of the district court is AFFIRMED.