IN THE COURT OF APPEALS OF IOWA

No. 6-711 / 95-2095

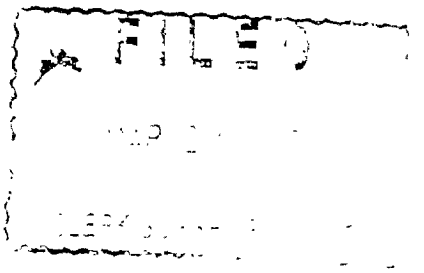
JEFFREY WALLACE,

Applicant-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.



Appeal from the Iowa District Court for Lee County, R. David Fahey, Judge.

Jeffrey Wallace appeals from the district court's denial of postconviction relief from a prison disciplinary action. **AFFIRMED.**

Philip B. Mears of Mears Law Office, Iowa City, for appellant.

Thomas J. Miller, Attorney General, William A. Hill and Forrest Guddall, Assistant Attorneys General, for appellee.

Considered by Sackett, P.J., Cady and Streit, JJ.

CADY, J.

Jeffrey Wallace appeals from the district court's denial of his application for postconviction relief stemming from a prison disciplinary action. He contends the prehearing delay he suffered while placed in summary segregation requires expungement. He also asserts there was insufficient evidence to sustain the disciplinary action. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Assuming Wallace adequately preserved the issue of prehearing delay for review, we conclude the delay did not deny him of due process and he is not entitled to have the discipline expunged from his record. In *Kelly v. Nix*, 329 N.W.2d 287, 293 (Iowa 1983), our supreme court held that not all violations of the rules governing disciplinary proceedings require expungement. Substantial compliance with those rules may be sufficient.

> The rules that apply to the procedures of the disciplinary proceeding directly protect the integrity of the hearing. In contrast, segregation does not threaten the integrity of the adjudication of guilt or innocence unless it prevents the inmate from gaining access to the evidence.

Id.

Here, Wallace does not allege a violation of a rule "that appl[ies] to the procedures of the disciplinary proceeding directly." He does not contend he was prevented from gaining access to evidence. We conclude any rule violation was not substantial and therefore does not require expungement.

We have reviewed the confidential information relied upon by the disciplinary committee. The record, including the confidential information, contains sufficient evidence to support the discipline. *See Mahers v. State*, 437 N.W.2d 565, 569 (Iowa 1989) (only "some evidence" is needed to justify disciplinary action). We affirm.

AFFIRMED.