IN THE COURT OF APPEALS OF IOWA

No. 2-017 / 91-412

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MARK KANE BUGELY

Plaintiff,

vs.

IOWA DISTRICT COURT FOR JONES COUNTY,

Defendant.

FILED
APR 28 1992
CLERK SUPREME COURT

Appeal from the Iowa District Court for Jones County, Lynne E. Brady, Judge.

Prison inmate Bugely sought postconviction relief to challenge a prison disciplinary action. The district court denied postconviction relief, and Bugely has challenged the district court's ruling by seeking a writ of certiorari. **WRIT DENIED.**

Wallace L. Taylor, Cedar Rapids, for plaintiff.

Bonnie J. Campbell, Attorney General, and R. Andrew Humphrey, Assistant Attorney General, for defendant.

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

PER CURIAM

Mark Bugely is an inmate at the Iowa Men's Reformatory at Anamosa. In June 1990 Bugely attacked another inmate by repeatedly striking the man in the head with a heavy sixteen-inch metal pipe. He had appropriated the pipe from the furniture shop at the reformatory.

Based upon this incident, a prison disciplinary committee found Bugely had violated several institutional rules proscribing assault, possession of dangerous contraband, unauthorized possession, and unauthorized presence. For these violations the committee sanctioned Bugely by, among other things, forfeiting all of his good conduct time amounting to a loss of 1,316 days.

Bugely then filed a petition for postconviction relief challenging the prison disciplinary action. The district court denied Bugely relief. Bugely now seeks a writ of certiorari challenging the legality of the district court's ruling.

Bugely contends the sanction denied him his right to due process. He argues forfeiture of his entire 1,316 days of good time is excessive, is not within the normal range of sanctions, and is not supported by evidence of established prison policies or rules governing the severity of sanctions. He asserts the postconviction court acted illegally in refusing to grant him relief on this theory.

Certiorari is a procedure to test the legality of an action by a lower board, tribunal, or court. Lane v.

Oxberger, 224 N.W.2d 245, 247 (Iowa 1974). A prison disciplinary decision will be upheld if it is supported by any evidence which justifies the prison official's action. See Leonard v. State, 442 N.W.2d 274, 275 (Iowa App. 1989). We do not believe the district court acted illegally in denying Bugely relief.

Bugely concedes he committed the institutional rule violations with which he was charged. These are deemed major rule violations under General Order No. 35 promulgated and enforced by the director of the Iowa Department of Corrections. An inmate found guilty of major rule violations may lose "all or any accumulated good conduct time" pursuant to that order. Additionally, the administrative law judge who imposed the sanction testified Bugely's sanction was within the normal range. We deny the writ.

The costs of this proceeding are taxed to Bugely.

For all the reasons stated, we deny the writ of certiorari.

WRIT DENIED.