IN THE COURT OF APPEALS OF IOWA

No. 9-344 / 88-1511

FILED
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CLERK SUPREME COURT

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DON SAFFELL,

Appellant,

vs.

STATE OF IOWA,

Appellee.

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

Prison inmate Don Saffell appeals from the district court's denial of his applications for postconviction relief. **AFFIRMED.**

Raymond E. Rogers, State Appellate Defender, and Shari Barron, Assistant State Appellate Defender, for the appellant.

Thomas J. Miller, Attorney General, and Anuradha Vaitheswaran, Assistant Attorney General, for the appellee.

Considered by Oxberger, C.J., and Sackett and Habhab, JJ.

OXBERGER, C.J.

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Prison inmate Don Saffell appeals from the district court's denial of his applications for postconviction relief. Saffell applied for postconviction relief to challenge the imposition of prison discipline for several rule violations at the Iowa State Penitentiary in Fort Madison. We affirm.

Proceedings for postconviction relief are special proceedings treated as an action at law. Kelly v. Nix, 329 N.W.2d 287, 291 (Iowa 1983). Our scope of review is on error.

On April 6, 1987, Saffell was found guilty of violating Rules, Regulations, and Disciplinary Procedures for the Government of the Iowa State Penitentiary Inmates (Blue Book) Rule 16 (Unauthorized Possession) and Rule 23 (Disobeying a Lawful Order or Directive). The disciplinary committee found that on March 28 an officer noticed Saffell wearing a paper clip made into an earring and ordered him to remove it. As Saffell walked away from the officer, he refused three direct orders before removing the earring on the officer's fourth request.

Saffell contends he was denied due process because prison authorities violated two of the prison's own rules of procedure. Saffell complains that two officers witnessing the incident failed to file separate reports and that the disciplinary notice failed to name all of the officers who witnessed the incident. He asserts that both omissions

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violate provisions of the prison's Blue Book, and he asserts he was prejudiced by both omissions. However, other than this conclusory statement, he does not state how he was prejudiced.

The findings of a prison disciplinary committee comply with the minimum requirements of due process if they are "supported by some evidence in the record." Wilson v. Farrier, 372 N.W.2d 499, 501 (Iowa 1985). The supreme court in Wilson stated:

> Ascertaining whether this standard is satisfied does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board.

Wilson, 372 N.W.2d at 501. The committee's decision is not subject to second-guessing if it is supported by some evidence. Walpole v. Hill, 472 U.S. 445, 455, 105 S. Ct. 2768, 2774, 86 L. Ed. 2d 356, 365 (1985).

We conclude that the evidence before the disciplinary committee is sufficient to meet the minimum requirements of due process. The committee received a disciplinary report of Lieutenant Barnes explaining the charged rule violations against Saffell. We find that the absence of formal disciplinary reports from the two witnessing officers and the failure to identify all witnessing officers does not constitute prejudice to Saffell.

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Although in Saffell's notice of appeal he appealed the disciplinary committee's April 17, 1987, ruling finding him guilty of violating Blue Book Rule 26 (Verbal Abuse), he did not raise this issue on appeal. Consequently, we do not address that issue.

AFFIRMED.