FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-329 / 88-1266

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JESSIE GONZALES,

Appellant,

vs.

STATE OF IOWA,

Appellee.

Appeal from the Iowa District Court for Lee County, John C. Miller, Judge.

Applicant-appellant appeals from a district court ruling denying his application for postconviction relief. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, and Kristin W. Ensign and Lucille Hardy, Assistant Attorneys General, for the resister-appellee.

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

HABHAB, J.

Appellant Jessie Gonzales appeals from a district court ruling denying his application for postconviction relief. We affirm.

Appellant was adjudicated to be guilty of a variety of disciplinary rules by a prison disciplinary committee. He appealed this decision to the superintendent. Following an adverse ruling by the superintendent, appellant then brought this postconviction relief action. Appellant did not appeal the superintendent's decision to the director of the Iowa Department of Corrections.[1]

Our review is at law. See Hinkle v. State, 290 N.W.2d 28, 30 (Iowa 1981). Postconviction relief is available under Iowa law to prisoners who dispute the decisions of prison disciplinary committees. See Iowa Code § 663A.2(5). In order to seek such relief, prisoners must first exhaust their administrative remedies as outlined in Iowa Code section 903A.3(2). See Aschan v. State, No. 88-1316 (Iowa Oct. 18, 1989). In Aschan, the Iowa Supreme Court held that a prisoner must appeal to the director of the Iowa Department of Corrections before applying for postconviction relief. Id. Since appellant failed to appeal to the director, he has not exhausted his

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1. While appellant claims to have appealed to the director, the trial court found that this was not the case. From the record we find no evidence of such an appeal.

administrative remedies. We, therefore, find the district court correctly dismissed appellant's application.

AFFIRMED.