IN THE COURT OF APPEALS OF IOWA

No. 6-592 / 95-1470

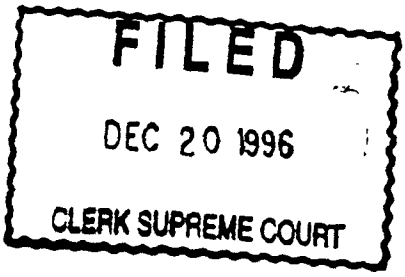
JERRY L. MILES,

Applicant-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.



Appeal from the Iowa District Court for Lee County, David B. Hendrickson, Judge.

Applicant appeals from the district court's ruling granting summary judgment against him in his postconviction relief action challenging a prison disciplinary reprimand. **AFFIRMED.**

John Robertson, Iowa City, for appellant.

Thomas J. Miller, Attorney General, and Forrest Guddall, Assistant Attorney General, for appellee.

Considered by Habhab, P.J., and Huitink and Vogel, JJ.

PER CURIAM

This is an appeal by a prisoner claiming the district court should not have granted the State's motion for summary judgment on his application for postconviction relief from prison disciplinary action. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On January 16, 1995, Jerry Miles was working on a prison farm. After all inmates were evacuated from a building due to a fire alarm, several inmates stood on the stairs, waiting to be let back in the building. A prison official asked the inmates to get off the stairs. Miles refused and told the official not to talk to him like a dog. Miles was charged with violating prison rule 27, disruptive conduct.

The prison disciplinary committee found Miles had violated rule 27, and gave him a reprimand. Miles exhausted his administrative appeals. He then filed an application for postconviction relief. The State filed a motion for summary judgment, claiming Miles was not entitled to postconviction relief because he had only received a reprimand. The district court granted the motion for summary judgment. Miles now appeals.

Miles contends summary judgment was improper in this case because he suffered a substantial deprivation of a protected liberty interest. He states that because the prison disciplinary committee found he violated a prison rule, he will probably be denied furloughs, work release, and parole. He also points out that due to the rule violation, he was transferred from the minimum security prison farm to the

maximum security penitentiary. He believes he is entitled to a full hearing on his postconviction application.

Actions of prison officials which involve a substantial deprivation of a liberty or property interest are reviewable by action for postconviction relief. *Davis v. State*, 345 N.W.2d 97, 99 (Iowa 1984). We have previously held that a reprimand is not a substantial deprivation of a liberty or property interest protected under the Due Process Clause. *Lyon v. State*, 404 N.W.2d 580, 583 (Iowa App. 1987). This is because a reprimand results in no good or honor time taken away, nor is other punishment rendered coinciding with the order for a reprimand. *Id.* A prisoner does not lose any of the privileges granted under the prison rules. *Id.*

We affirm the decision of the district court that because Miles received only a reprimand from the prison disciplinary committee, he is not entitled to postconviction relief. Costs of this appeal are assessed to Miles.

AFFIRMED.