

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 29, 2009

No. 08-40992
Summary Calendar

Charles R. Fulbruge III
Clerk

ALEJANDRO MORALES

Petitioner-Appellant

v.

T C OUTLAW, Warden

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:06-CV-88

Before GARZA, PRADO, and ELROD, Circuit Judges.

PER CURIAM:*

Alejandro Morales, federal prisoner # 14368-179, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition challenging a prison disciplinary proceeding in which the disciplinary hearing officer (DHO) determined that Morales had attempted a sexual assault of a prison counselor. Morales lost 54 days of good conduct time, in addition to other penalties.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Morales contends that the evidence was insufficient to support the decision of the DHO.

Morales has not shown that the district court erred by determining that there was “some evidence” in the record to support the DHO’s disciplinary decision where that decision was based on the counselor’s written report stating that Morales blocked her exit from the office, exposed himself to her in a state of arousal, and refused her orders to leave the office. *See Hudson v. Johnson*, 242 F.3d 534, 536-37 (5th Cir. 2001).

The judgment of the district court is AFFIRMED.