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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>WILLIE NOBLES,</p> <p style="text-align: center;">Petitioner - Appellant,</p> <p>v.</p> <p>CAROL PORTER,</p> <p style="text-align: center;">Respondent - Appellee.</p>

No. 07-36038

D.C. No. CV-05-05374-RJB

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert J. Bryan, District Judge, Presiding

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Washington state prisoner Willie Nobles appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas corpus petition as untimely.

We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Nobles contends that he is entitled to equitable tolling for his reasonable reliance on *Dictado v. Ducharme*, 244 F.3d 724, 727-28 (9th Cir. 2001), *abrogated* by *Pace v. DiGuglielmo*, 544 U.S. 408 (2005). However, even with the benefit of equitable tolling based on this reliance, Nobles' petition is time-barred. *Cf. Harris v. Carter*, 515 F.3d 1051, 1055-56 (9th Cir. 2008).

AFFIRMED.