

JUL 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHEL L. BROWN,

Petitioner - Appellant,

v.

MIKE MAHONEY, Warden; et al.,

Respondents - Appellees.

No. 07-35646

D.C. No. CV-06-00063-DWM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Donald W. Molloy, District Judge, Presiding

Submitted July 14, 2009\*\*

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Montana state prisoner Anthel L. Brown appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 petition challenging the Montana

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\* 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).

Board of Pardons and Parole's ("Board") 2006 decision finding him unsuitable for parole. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Brown raises several constitutional claims relating to the Board's 2006 denial of parole. Upon independent review of the record, we conclude that the claims are unexhausted and that the district court did not err in dismissing Brown's claims on screening. *See* 28 U.S.C. § 2254(b)(1)(A); *Shumway v. Payne*, 223 F.3d 982, 987 (9th Cir. 2000).

**AFFIRMED.**