

JAN 07 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANK HUIE,

Petitioner - Appellant,

v.

JEANNE S. WOODFORD,

Respondent - Appellee.

No. 07-15440

D.C. No. CV-04-06363-AWI

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, Chief District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

California state prisoner Frank Huie appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition challenging the loss of good time credits. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we

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

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

affirm.

Huie contends that the disciplinary process leading to revocation of his good time credits violated his due process rights. The California court's determination that Huie was afforded his due process rights was not an unreasonable application of federal law. *See Wolff v. McDonnell*, 418 U.S. 539, 563-69 (1974) (holding that inmate is entitled to advance written notice of disciplinary charges, an opportunity to present a defense, and an explanation for the decision). Furthermore, our review of the record indicates there was "some evidence" to support the disciplinary decision. *See Superintendent v. Hill*, 472 U.S. 445, 455 (1985).

Huie's motion for appointment of counsel is denied.

AFFIRMED.