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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KEVIN A. JOHNSON,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JAMES E. HALL, Warden,</p> <p>Respondent - Appellee.</p>

No. 07-56014

D.C. No. CV-05-02627-GHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

California state prisoner Kevin A. Johnson appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. 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 concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Johnson contends that he was denied due process during his first administrative hearing. This claim is moot because Johnson asserted the same claim in a later proceeding, received a new hearing, and was afforded all process that was due during the second hearing.

The district court correctly held that neither of Johnson's remaining claims are addressable through federal habeas corpus proceedings. *See Ramirez v. Galaza*, 334 F.3d 850, 859 (9th Cir. 2003); *Franzen v. Brinkman*, 877 F.2d 26 (9th Cir. 1989).

We do not address the state's procedural default and exhaustion arguments because Johnson's claims are clearly without merit. *See Franklin v. Johnson*, 290 F.3d 1223, 1232 (9th Cir. 2002).

AFFIRMED.