

APR 23 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANDRANIK KARABAJAKYAN, a former parolee on behalf of himself and a class of similarly situated persons; GARY BELTRAN,

Plaintiffs - Appellants,

v.

ARNOLD SCHWARZENEGGER, Governor of California, in his individual capacity; GRAY DAVIS, Former Governor of California in his individual capacity; RODERICK HICKMAN, Former Secretary of the California Youth and Adult Correctional Agency, and CDCR, in his official capacity; ROBERT PRESLEY, Former Secretary of the California Youth and Adult Correctional Agency, in his individual capacity; MARGARITA PEREZ, Former Chairperson of the California Board of Prison Terms, in her individual capacity; CAROL DALY, Former Chairperson of the California Board of Prison Terms, in her individual capacity; FERNANDO PEREZ, Deputy Commissioner of the California Board of Prison Terms, in his

No. 07-55859

D.C. No. CV-06-00541-ODW

MEMORANDUM*

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

individual capacity; THOMAS WADKINS, Deputy Commissioner of the California Board of Prison Terms, in his individual capacity; JOHN INIGUEZ, Associate Chief Deputy Commissioner of the California Board of Prison Terms and BPH, Head of the Office of Policy and Appeals, in his individual capacity; JOHN DOE 1 OR JANE ROE 1, Deputy Commissioner Assigned to the Office of Policy and Appeals whose true name is currently unknown, in his or her individual capacity; SYLVIA LABARE, Paralegal or Related Aide in the Board of Prison Terms Office of Policy and Appeals in her individual capacity; CHRISTIAN BECKER, Paralegal or Related Aide in the Board of Prison Terms Office of Policy and Appeals in her individual capacity; MELVIN E. HUNTER, Executive Director Atascadero State Hospital, in his individual capacity,

Defendants - Appellees.

Appeal from the United States District Court
for the Central District of California
Otis D. Wright II, District Judge, Presiding

Submitted April 8, 2010**
Pasadena, California

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

Before: PREGERSON and THOMPSON, Circuit Judges, and CONLON, District Judge.***

The plaintiffs appeal the district court's dismissal of their third amended complaint with prejudice and without leave to amend. The plaintiffs also appeal the court's order denying reconsideration of that dismissal as well as several procedural decisions. We have jurisdiction under 28 U.S.C. § 1291.

We affirm the dismissal of this action and the denial of reconsideration for the reasons stated by the district court. The plaintiffs' contentions regarding judicial reassignment, recusal, and briefing deadlines lack merit.

AFFIRMED.

*** The Honorable Suzanne B. Conlon, United States District Judge for the Northern District of Illinois, sitting by designation.