

JUN 17 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BARRY SIMON JAMESON,

Petitioner - Appellant,

v.

JAMES A. YATES,

Respondent - Appellee.

No. 07-56423

D.C. No. CV-06-05758-CAS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

California state prisoner Barry Simon Jameson appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 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).

Jameson contends that he has a due process entitlement to be released from prison after serving a determinate portion of his sentence of 17 years to life.¹ However, Jameson received an indeterminate life sentence and was not entitled to release after service of a determinate term. *See Board of Pardons v. Allen*, 482 U.S. 369, 375-79 (1987); *In re Dannenberg*, 34 Cal.4th 1061, 1078 (Cal. 2005). Thus, the California court's rejection of this claim was neither contrary to nor an unreasonable application of federal law. To the extent Jameson challenges the California courts' interpretation of California state law, such a claim is not cognizable on federal habeas review. *See, e.g., Middleton v. Cupp*, 768 F.2d 1083, 1085 (9th Cir. 1985).

We construe Jameson's motion for permission to file exhibits as a request for judicial notice and grant the request.

AFFIRMED.

¹ We certify this issue for appeal on our own motion.