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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANIEL RAMON RAMIREZ,

Petitioner - Appellant,

v.

ROSANNE CAMPBELL,

Respondent - Appellee.

No. 07-15798

D.C. No. 06-cv-01257-FCD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Frank C. Damrell, District Judge, Presiding

Submitted May 25, 2010**

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

California state prisoner Daniel Ramon Ramirez appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition as untimely. 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).

Ramirez contends the district court erred by dismissing his habeas petition because he is entitled to tolling during the time that he diligently sought habeas relief in state courts. This contention fails because the state court denied Ramirez's first habeas petition as untimely and his other state habeas petitions were filed after the federal habeas statute of limitations under 28 U.S.C. § 2241(d)(1) had already expired. *See White v. Martel*, 601 F.3d 882, 883-84 (9th Cir. 2010) (per curiam); *see also Green v. White*, 223 F.3d 1001, 1003 (9th Cir. 2000) (petitioner not entitled to tolling for state petitions filed after federal time limitation has run).

To the extent Ramirez contends he is entitled to equitable tolling because he is not English-proficient, this contention fails. *See Mendoza v. Carey*, 449 F.3d 1065, 1070 (9th Cir. 2006) (petitioner who demonstrates proficiency in English or who has the assistance of a translator is barred from equitable relief).

AFFIRMED.