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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MIGUEL MOREIRA-ALFARO,

Petitioner - Appellant,

v.

ROBERT L. AYERS, Jr.,

Respondent - Appellee.

No. 08-16401

D.C. No. 3:06-CV-04416-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

California state prisoner Miguel Moreira-Alfaro appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have

* 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).

jurisdiction under 28 U.S.C. § 2253.¹ We review de novo the district court’s denial of Moreira-Alfaro’s federal habeas petition, *see Doody v. Schriro*, 596 F.3d 620, 634 (9th Cir. 2010) (en banc), and we affirm.

The state court did not unreasonably conclude that “some evidence” supports the California Board of Parole Hearings’ 2005 decision to deny Moreira-Alfaro parol. *See* 28 U.S.C. § 2254(d); *see also Hayward v. Marshall*, 603 F.3d 546, 563 (9th Cir. 2010) (en banc).

We reject the State’s argument that Moreira-Alfaro does not have a due process liberty interest in parole. *See Hayward*, 603 F.3d at 561-63.

AFFIRMED.

¹ We certify for appeal, on our own motion, the issue of whether the California Board of Parole Hearings’ 2005 decision to deny Moreira-Alfaro parole violated due process.