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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PATRICK JAMES CARRIZOSA, Jr.,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JEANNE S. WOODFORD, Director of CA Department of Corrections,</p> <p>Respondent - Appellee.</p>

No. 08-56557

D.C. No. 3:05-cv-01935-IEG

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Irma E. Gonzalez, Chief Judge, Presiding

Submitted June 29, 2010**

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

California state prisoner Patrick James Carrizosa, Jr., 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 and we affirm.

Carrizosa contends that the State's failure to award him day-for-day sentence credits violated his due process rights. However, Cal. Penal Code § 2933.1 limits the sentence credits Carrizosa may earn through his participation in the Inmate Work Training Incentive Program to fifteen percent. The other state statutes and regulations cited by Carrizosa do not create a protected due process liberty interest in sentence credits. *See Sandin v. Conner*, 515 U.S. 472, 483-85 (1995); *McLean v. Crabtree*, 173 F.3d 1176, 1184-85 (9th Cir. 1999).

To the extent Carrizosa challenges the state court's application of state law concerning equitable estoppel, this contention does not state a cognizable claim of a violation of federal law. *See Lewis v. Jeffers*, 497 U.S. 764, 780 (1990) (“[F]ederal habeas corpus relief does not lie for errors of state law[.]”).

Furthermore, the district court correctly rejected Carrizosa's government estoppel argument on the merits.

Finally, the district court properly rejected Carrizosa's equal protection claim. The record reflects that the documentary evidence submitted by Carrizosa did not establish that he was treated differently from similarly situated individuals.

¹ We certify for appeal on our own motion the issues presented in this appeal.

See McLean, 173 F.3d at 1185.

Thus, the California courts' rejection of Carrizosa's claims was neither contrary to nor an unreasonable application of clearly established federal law. *See* 28 U.S.C. § 2254(d)(1). Moreover, because Carrizosa failed to raise a colorable claim for relief, *see Phillips v. Woodford*, 267 F.3d 966, 973 (9th Cir. 2001), his contention that he is entitled to an evidentiary hearing on his claims lacks merit.

AFFIRMED.