

JUL 21 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JIMMY G. MEJIA,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>LES BLANKS,</p> <p>Respondent - Appellee.</p>
--

No. 06-56449

D.C. No. CV-05-04096-DOC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted June 29, 2010**

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

California state prisoner Jimmy G. Mejia 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. § 2253¹, and we affirm.

Mejia contends that the Board’s 2002 decision to deny him parole was not supported by “some evidence” and therefore violated his due process rights. The

¹We certify for appeal, on our own motion, the issue of whether the 2002 decision of the California Board of Prison Terms (“the Board”) to deny parole violated due process.

state court did not unreasonably conclude that some evidence supports the Board's decision. *See* 28 U.S.C. § 2254(d); *see also Hayward v. Marshall*, 603 F.3d 546, 563 (9th Cir. 2010) (en banc).

AFFIRMED.