

JUL 21 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARL WAYNE CAVALLI,

Petitioner - Appellant,

v.

ROSEANNE CAMPBELL, Warden,

Respondent - Appellee.

No. 08-16611

D.C. No. 2:06-cv-01700-ALA

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Arthur L. Alarcón, Circuit Judge, Presiding

Submitted June 29, 2010**

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

Carl Wayne Cavalli appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28

* 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).

U.S.C. § 2253¹, and we affirm.

Appellee's motions to dismiss the appeal and strike various documents are denied.

Cavalli contends that the Governor's 2005 decision to deny him parole was not supported by "some evidence" and therefore violated his due process rights. The state court did not unreasonably determine that some evidence supports the Governor'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.

¹We certify for appeal the issue of whether the state court unreasonably determined that the Governor's 2005 decision deny parole was supported by some evidence. We decline to certify any other issues raised by Cavalli.