

AUG 02 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RONDELL L. WEBB,

Petitioner - Appellant,

v.

SCOTT KERNAN, Warden;

Respondents - Appellees.

No. 08-17364

D.C. No. 2:05-cv-00291-JKS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
James K. Singleton, District Judge, Presiding

Submitted July 19, 2010**

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

California state prisoner Rondell L. Webb appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. 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).

Webb contends that the district court erred in dismissing as untimely his petition challenging denial of parole. The district court found the petition untimely under the Antiterrorism and Effective Death Penalty Act, and also determined that various claims asserted by Webb were procedurally defaulted, unexhausted, challenges to the application of state law not cognizable on federal habeas review. We may affirm on any ground supported by the record. *See Buckley v. Terhune*, 441 F.3d 688, 694 (9th Cir. 2006) (en banc).

The statute of limitations under 28 U.S.C. § 2244(d) began to run on January 10, 2002, the day Webb's time to file an administrative appeal lapsed and the challenged decision became final. *See Redd v. McGrath*, 343 F.3d 1077, 1082-85 (9th Cir. 2003). Accordingly, his federal habeas petition, signed and presumably submitted to prison officials for mailing on February 2, 2005, was untimely.

AFFIRMED.