

AUG 02 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>TERRY L. SLAUGHTER,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>D. K. SISTO; ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,</p> <p>Respondents - Appellees.</p>
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No. 09-15181

D.C. No. 2:07-cv-02628-WBS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted July 19, 2010**

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

California state prisoner Terry L. Slaughter appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 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).

Slaughter contends that his rights to due process and equal protection were violated when the Department of Corrections assessed a 130-day forfeiture of good time credits in violation of California statutory law and regulations. The California Superior Court denied relief because Slaughter could not establish that the forfeiture of credits was erroneous. This decision was neither contrary to, nor involved an unreasonable application of, clearly established federal law, as determined by the United States Supreme Court. *See* 28 U.S.C. § 2254(d)(1). Nor was the decision based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding. *See* 28 U.S.C. § 2254(d)(2).

Based on the foregoing, we need not reach the certified issue.

AFFIRMED.