

OCT 07 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VICTOR GALINSKI,

Petitioner - Appellant,

v.

BEN CURRY, Warden,

Respondent - Appellee.

No. 08-16415

D.C. No. 3:06-CV-06524-CRB

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Charles R. Breyer, District Judge, Presiding

Submitted September 13, 2010\*\*

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

California state prisoner Victor Galinski appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have

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\* 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, and we affirm.

Galinski contends that the Board'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 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).

Galinski's remaining contentions are unpersuasive.

Galinski's request for the appointment of counsel is denied.

**AFFIRMED.**

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<sup>1</sup> We certify for appeal, on our own motion, the issue of whether the 2005 decision of the California Board of Parole Hearings ("the Board") to deny parole violated due process.