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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PAUL CARRILLO,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>MATTHEW CATE, Warden and JERRY BROWN, Attorney General,</p> <p>Respondents - Appellees.</p>

No. 09-56527

D.C. No. 3:08-cv-02165-LAB-POR

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

California state prisoner Paul Carrillo appeals from the district court’s judgment dismissing his 28 U.S.C. § 2254 habeas petition as untimely. 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).

Carrillo contends that the district court erred in dismissing his petition as untimely because the one-year limitations period set forth in 28 U.S.C. § 2244(d)(1) does not apply to petitions challenging administrative decisions. This contention is foreclosed by *Shelby v. Bartlett*, 391 F.3d 1061, 1063-65 (9th Cir. 2004). To the extent that Carrillo is requesting us to overturn the holding of *Shelby*, we may not do so. *See United States v. Camper*, 66 F.3d 229, 232 (9th Cir. 1995).

The pro se motion to file an amicus brief received by the court on September 8, 2010, is deemed filed and is denied.

AFFIRMED.