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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NATHANIEL WILLIAMS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>CLAUDE E. FINN, Warden and ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,</p> <p>Respondents - Appellees.</p>
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No. 09-16534

D.C. No. 2:06-cv-00347-MCE

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, District Judge, Presiding

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

California state prisoner Nathaniel Williams appeals pro se from the district court's judgment denying 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).

Williams contends that the California Board of Parole Hearings denied him due process when it found him unsuitable for parole and failed to set a primary term. The state court did not unreasonably conclude that “some evidence,” including evidence of conduct post-dating his incarceration for the commitment offense, supports the Board’s decision to deny Williams parole. *See* 28 U.S.C. § 2254(d); *see also Hayward v. Marshall*, 603 F.3d 546, 563 (9th Cir. 2010) (en banc).

Williams also contends that the Board’s decision was based on a “no parole” policy. The state court’s rejection of this contention was not contrary to, or an unreasonable application of, clearly established Supreme Court law, and was not an unreasonable determination of the facts in light of the evidence. *See* 28 U.S.C. § 2254(d).

To the extent Williams raises uncertified issues, we construe such arguments as a motion to broaden the certificate of appealability, and we deny the motion. *See* 9th Cir. R. 22-1(e); *Hiiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

AFFIRMED.