

JAN 24 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DALE DALLAS CRAIG,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>NEVADA ATTORNEY GENERAL; et al.,</p> <p>Respondents - Appellees.</p>
--

No. 10-15128

D.C. No. 3:09-cv-00571-RCJ-
RAM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted January 10, 2011**

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

Nevada state prisoner Dale Dallas Craig appeals pro se 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).

Craig contends that the district court erred when finding that equitable tolling of the statute of limitations was not justified. Specifically, Craig argues that equitable tolling is warranted on the basis of five errors that occurred in his case before the state courts, including errors related to the entry of an amended judgment of conviction. However, Craig has failed to demonstrate that extraordinary circumstances prevented him from filing his federal petition in a timely manner. *See Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005). Further, he has failed to show that he pursued his rights diligently. *See id.*

Craig's request to expand the certificate of appealability is denied. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th. Cir. 1999) (per curiam).

AFFIRMED.