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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN FORREST ZUMBRO,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>VINCE CULLEN, Acting Warden, MARGARITA PEREZ, Chairman, Board of Prison Terms,</p> <p>Respondents - Appellees.</p>
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No. 08-17045

D.C. No. 5:06-cv-06010-RMW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

California state prisoner John Forrest Zumbro 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).

Zumbro contends that the Board's 2004 decision to deny him parole was not supported by "some evidence" and therefore violated his due process rights. The only federal right at issue in the parole context is procedural, and the only proper inquiry is what process the inmate received, not whether the state court decided the case correctly. *See Swarthout v. Cooke*, 131 S. Ct. 859, 862-63 (2011). Because Zumbro raises no procedural challenges, we affirm.

Zumbro's motion to expand the record on appeal is denied.

AFFIRMED.