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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>TUTUILA F. TUVALU, a.k.a. Tuvalu Tutuila Fausia,</p> <p style="text-align: center;">Petitioner - Appellant,</p> <p style="text-align: center;">v.</p> <p>GARY SANDOR, Warden,</p> <p style="text-align: center;">Respondent - Appellee.</p>
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No. 08-56638

D.C. No. 8:08-cv-00278-R

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted March 8, 2011**

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

California state prisoner Tutuila F. Tuvalu appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We dismiss.

After briefing was completed in this case, this court held that a certificate of

* 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).

appealability is required to challenge the denial of parole. *See Hayward v. Marshall*, 603 F.3d 546, 554-55 (9th Cir. 2010) (en banc). Because Tuvalu has not made a substantial showing of the denial of a constitutional right, we decline to certify his claims. *See* 28 U.S.C. § 2253(c).

All outstanding motions are denied as moot.

DISMISSED.