

MAY 03 2011

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

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MICHAEL CASAROTTI,  
  
Petitioner - Appellant,  
  
v.  
  
JOHN C. MARSHALL,  
  
Respondent - Appellee.

No. 09-55921  
  
D.C. No. 2:08-cv-06966-RGK-E  
  
MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
R. Gary Klausner, District Judge, Presiding

Submitted April 20, 2011\*\*

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

California state prisoner Michael Casarotti 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).

Casarotti contends that the Board's 2006 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); *Pearson v. Muntz*, No. 08-55728, 2011 WL 1238007, at \*5 (9th Cir. Apr. 5, 2011). Because Casarotti raises no procedural challenges, we affirm.

**AFFIRMED.**