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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KENYA GAYLES,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>D. K. SISTO,</p> <p>Respondent - Appellee.</p>

No. 10-15696

D.C. No. 2:08-cv-02774-GEB-
EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, District Judge, Presiding

Submitted April 20, 2011**

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

California state parolee Kenya Gayles appeals pro se from the district court's order dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28 U.S.C. § 2253, and dismiss the appeal as moot.

* 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).

Contending that an allegedly improper 2006 disciplinary action made it more likely that he would be denied parole, Gayles sought expungement of the disciplinary action against him. While his appeal was pending, Gales was released from state custody. Since Gales has been released on parole, his petition is moot. *See Munoz v. Rowland*, 104 F.3d 1096, 1097-98 (9th Cir. 1997). All pending motions are denied as moot.

DISMISSED.