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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KURT WASHINGTON,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JAMES A YATES,</p> <p>Respondent - Appellee.</p>
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No. 09-16541

D.C. No. 1:08-cv-00431-LJO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O’Neill, District Judge, Presiding

Submitted May 24, 2011**

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

California state prisoner Kurt Washington appeals pro se from the district court’s judgment dismissing his 28 U.S.C. § 2254 habeas petition challenging the loss of work-time credits following a prison disciplinary proceeding. We dismiss.

* 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).

Washington contends that the 30-day loss of work-time credits assessed following his prison disciplinary conviction violated his constitutional rights. After briefing was completed in this case, this court held that a certificate of appealability is required to challenge an administrative decision. *See Hayward v. Marshall*, 603 F.3d 546, 554-55 (9th Cir. 2010) (en banc). Because Washington has not has 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 pending motions are denied as moot.

DISMISSED.