NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PATRICK PAGE, Petitioner - Appellant, v. JOHN MARSHALL, Respondent - Appellee.	No. 08-55266 D.C. No. 2:07-cv-06071-AHM MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
A. Howard Matz, District Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

California state prisoner Patrick Page appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition as untimely. We dismiss.

Page contends that the Board's 2004 decision to deny him parole was not

* 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).

supported by "some evidence" and therefore violated his due process rights. After briefing was completed in this case, this court held that a certificate of appealability ("COA") is required to challenge the denial of parole. *See Hayward v. Marshall*, 603 F.3d 546, 554-55 (9th Cir. 2010) (en banc). Now the Supreme Court has held that 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, 863 (2011) (per curiam). Because Page raises no procedural challenges regarding his parole hearing, a COA cannot issue, and we dismiss the appeal for lack of jurisdiction. *See* 28 U.S.C. § 2253(c)(2).

Further, because Page has not has made a substantial showing of the denial of a constitutional right, we decline to certify his remaining claims. *Id*.

We deny Page's "motion to amend petition for writ of habeas corpus," received on October 14, 2008.

DISMISSED.