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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KEITH E. WIGGINS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>J. F. SALAZAR,</p> <p>Respondent - Appellee.</p>

No. 09-16091

D.C. No. 1:08-cv-01175-OWW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted June 15, 2011**

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

California state prisoner Keith E. Wiggins appeals 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.

Wiggins contends that the 2006 decision of the Board of Parole Hearings

* 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).

(“Board”) denying his parole was not supported by “some evidence” of current dangerousness 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, 863 (2011) (per curiam).

Because Wiggins raises no procedural challenges, we affirm.

Wiggins’s motions for judicial notice, received on November 23, 2009, and February 22, 2010, respectively, are deemed filed and are denied as moot. His suggestion for supplemental briefing on the impact of *Cooke* is also denied. *See Pearson v. Muntz*, No. 08-55728, 2011 WL 1238007, at *5 (9th Cir. April 5, 2011).

AFFIRMED.