

JUL 7 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VICTOR EDWARDS,

Petitioner - Appellant,

v.

JOHN MARSHALL, Warden,

Respondent - Appellee.

No. 08-16824

D.C. No. 1:03-cv-06233-AWI

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Anthony W. Ishii, Chief Judge, Presiding

Submitted June 15, 2011\*\*

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

California state prisoner Victor Edwards 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.

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\* 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).

Edwards contends that he had a liberty interest protected by the Due Process Clause in the accuracy of his prison records and that the prison officials's refusal to expunge references to his affiliation with the Crips gang from his prison records violates his constitutional rights. Even assuming that Edwards has a protected liberty interest in the accuracy of his prison file, he failed to demonstrate that he is entitled to habeas relief. The record reflects that the Board of Parole Hearings deemed Edwards unsuitable for parole for several independently adequate reasons and not only because of his stated affiliation with the Crips gang. Because Edwards's challenged affiliation with the Crips gang did not "alter the balance" in his parole suitability determination, its effect if any on the duration of his sentence "is simply too attenuated to invoke the procedural guarantees of the Due Process Clause." *Sandin v. Conner*, 515 U.S. 472, 487 (1995).

**AFFIRMED.**