

JUL 15 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALEJANDRO BELLO,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>D. K. SISTO; et al.,</p> <p>Respondents - Appellees.</p>
--

No. 09-17666

D.C. No. 2:07-cv-01316-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Robert S. Lasnik, Chief Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

California state prisoner Alejandro Bello 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.

Bello contends that his due process rights were violated by the Board’s 2006

* 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).

decision finding him unsuitable for parole, because the decision was not supported by “some evidence,” 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 Bello raises no procedural challenges regarding his parole hearing, we affirm.

We construe appellant’s additional arguments as a motion to expand the certificate of appealability. So construed, the motion is denied. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

AFFIRMED.