

AUG 17 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTOPHER WORLINE,

Petitioner - Appellee,

v.

J. F. SALAZAR,

Respondent - Appellant.

No. 09-56740

D.C. No. 2:06-cv-01922-CJC-
AJW

MEMORANDUM*

CHRISTOPHER WORLINE,

Petitioner - Appellee,

v.

J. F. SALAZAR,

Respondent - Appellant.

No. 09-56741

D.C. No. 2:07-cv-03845-CJC-
AJW

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Submitted March 9, 2011**
Pasadena, California

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Warden J.F. Salazar appeals the district court's grant of Christopher Worline's petitions for a writ of habeas corpus. Worline argued that there was not "some evidence" supporting the California Board of Parole Hearings's 2004 and 2005 decisions denying him parole. In light of *Swarthout v. Cooke*, 131 S.Ct. 859 (2011) (per curiam), we hold that Worline's federal right to due process was not violated. Accordingly, we reverse the district court's grant of his habeas petitions. We understand that the state will now grant Worline an out-of-custody parole hearing.

REVERSED and REMANDED.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).