

SEP 07 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ENVER KARAFILI,

Petitioner - Appellant,

v.

JAMES E. TILTON, Warden and
EDMUND G. BROWN, Jr., Attorney
General of the State of California,

Respondents - Appellees.

No. 09-55388

D.C. No. 3:07-cv-01372-BEN-
NLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted September 2, 2011**
Pasadena, California

Before: ALARCÓN, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Enver Karafili appeals the district court's dismissal of his 28 U.S.C. § 2254 habeas petition as untimely pursuant to 28 U.S.C. § 2244(d)(1). We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

The district court did not err in finding that Karafili's mental condition was not so severe that he was unable to file a timely federal petition. *See Bills v. Clark*, 628 F.3d 1092, 1099-1100 (9th Cir. 2010). As for Karafili's limited English skills, the record does not establish that he requested and was unable to obtain a translator or that it was his limited English skills that caused him to file an untimely federal petition. *Cf. Mendoza v. Carey*, 449 F.3d 1065, 1071 (9th Cir. 2006). Equitable tolling was correctly denied.

We decline to certify the uncertified issues raised by Karafili.

AFFIRMED.