

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

SEP 19 2011

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

JOHN H. PIRTLE,

Petitioner - Appellee,

v.

CALIFORNIA BOARD OF PRISON  
TERMS; D. L. RUNNELS; ATTORNEY  
GENERAL OF THE STATE OF  
CALIFORNIA,

Respondents - Appellants.

No. 07-16097

D.C. No. CV-04-00518-FCD/KJM

MEMORANDUM\*

On Remand from the United States Supreme Court

Before: REINHARDT, NOONAN, and FISHER, Circuit Judges.

On remand from the Supreme Court, California state prisoner John Pirtle renews his argument that the California Parole Board's 2002 denial of his parole violated his federal right to due process. In light of *Swarthout v. Cooke*, 562 U.S. \_\_\_, 131 S.Ct. 859 (2011) (per curiam), we hold that Pirtle's right to due process

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

was not violated. Accordingly, we reverse the district court's judgment granting the writ of habeas corpus.

**REVERSED and REMANDED.**