

SEP 30 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUTHER G. JAMISON,

Petitioner - Appellant,

v.

GARY SWARTHOUT,

Respondent - Appellee.

No. 08-17096

D.C. No. 3:07-CV-01782-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted September 27, 2011**

Before: HAWKINS, SILVERMAN, and W. FLETCHER, Circuit Judges.

California state prisoner Luther G. Jamison appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28 U.S.C. § 2253. We may affirm on any ground supported by the record. *See Washington v. Lampert*, 422 F.3d 864, 869 (9th Cir. 2005).

* 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)*.

Jamison contends that the Board of Prison Terms's 2004 decision finding him unsuitable for parole violates California law and is not supported by some evidence. Even assuming that his petition is timely, Jamison is not entitled to relief. First, the record reflects that Jamison received all process that was due. *See Swarthout v. Cooke*, 131 S. Ct. 859, 862-63 (2011) (per curiam). Second, Jamison's challenges to the application of California law are not cognizable in federal habeas proceedings. *See Lewis v. Jeffers*, 497 U.S. 764, 780 (1990) (“[F]ederal habeas corpus relief does not lie for errors of state law[.]”); 28 U.S.C. § 2254(a).

We decline to consider Jamison's ineffective assistance of counsel claim, raised for the first time on appeal, because it relates to counsel's performance subsequent to the claims raised in the district court.

Peter A. Furst's motion to withdraw as Jamison's counsel is granted.

AFFIRMED.