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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KAILASH CHANDRA CHAUDHARY, Ph. D.,</p> <p style="text-align: center;">Petitioner - Appellant,</p> <p style="text-align: center;">v.</p> <p>BOARD OF PRISON TERMS, et al.,</p> <p style="text-align: center;">Respondents - Appellees.</p>
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No. 10-17236

D.C. No. 5:09-cv-03560-RMW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted September 27, 2011**

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

Former California state prisoner Kailash Chandra Chaudhary appeals pro se from the district court’s judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28 U.S.C. § 2253, and we dismiss the appeal as moot.

* 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).

Chaudhary contends that his federal due process rights were violated by the state's failure to give him credit, against the five-year service requirement under California Penal Code § 3000.1(b), for the time served between the date that the Board granted him parole and the date that the state court reversed the Governor's decision denying the grant of parole. Chaudhary has now been discharged from parole. Thus, his appeal is moot. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996) (per curiam) (“[A]n appeal should . . . be dismissed as moot when, by virtue of an intervening event, a court of appeals cannot grant any effectual relief whatever in favor of the appellant[.]”) (internal quotation marks omitted).

We construe Chaudhary'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); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

DISMISSED.