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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MELVIN BLUITT, a.k.a. Melvin Lee Bluitt,</p> <p style="text-align: center;">Petitioner - Appellant,</p> <p style="text-align: center;">v.</p> <p>TERRI GONZALEZ,</p> <p style="text-align: center;">Respondent - Appellee.</p>

No. 06-56483

D.C. No. CV-05-00131-CAS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted November 21, 2011**

Before: TASHIMA, BERZON, and TALLMAN, Circuit Judges.

California state prisoner Melvin Bluitt appeals from the district court’s judgment denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

* 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).

Bluitt contends that the Governor's 2003 decision reversing the Board of Prison Terms's decision finding him suitable for parole is not supported by some evidence. The record reflects that Bluitt received all process that was due. *See Swarthout v. Cooke*, 131 S. Ct. 859, 862-63 (2011) (per curiam).

We construe Bluitt's additional argument as a motion to expand the certificate of appealability. So construed, the motion is denied. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

AFFIRMED.