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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GUSTAVO GOMEZ,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>MATTHEW CATE, Secretary, Dept. of Corrections and Rehabilitation,</p> <p>Respondent - Appellee.</p>

No. 10-55860

D.C. No. 2:09-cv-07701-DMG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted November 21, 2011**

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

California state prisoner Gustavo Gomez appeals from the district court’s judgment denying and dismissing his 28 U.S.C. § 2254 habeas petition. We have

* 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).

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).

Gomez contends that the Board of Prison Terms's 2007 decision finding him unsuitable for parole is not supported by some evidence. Even assuming that his petition is timely, Gomez is not entitled to relief because the record reflects that Gomez received all process that was due. *See Swarthout v. Cooke*, 131 S. Ct. 859, 862-63 (2011) (per curiam).

AFFIRMED.