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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY GALAZ, Petitioner - Appellant, v. TOM E. VAUGHN, Warden, Respondent - Appellee.	No. 08-55430 D.C. No. 2:05-cv-05759-GPS-PLA MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George P. Schiavelli, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE and McKEOWN, Circuit Judges.

California state prisoner Gregory Galaz 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.

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* 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).

Galaz contends that the Board's 2004 decision to deny him parole was not supported by "some evidence" and therefore violated his due process rights. The only federal right at issue in the parole context is procedural, and the only proper inquiry is what process the inmate received, not whether the state court decided the case correctly. *Swarthout v. Cooke*, 131 S. Ct. 859, 863 (2011); *Roberts v. Hartley*, 640 F.3d 1042, 1045-47 (9th Cir. 2011) (applying *Cooke*). Because Galaz raises no procedural challenges, we affirm.

We decline to expand the certificate of appealability to include Galaz's uncertified claims of breach of the plea agreement and violation of the Ex Post Facto Clause. *See* 28 U.S.C. § 2253(c)(2); 9th Cir. R. 22-1(e).

AFFIRMED.