

JAN 19 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIE EDWARDS,

Petitioner - Appellant,

v.

BEN CURRY, Warden; Board of Parole
Hearings; ARNOLD
SCHWARZENEGGER, Governor,

Respondents - Appellees.

No. 09-16589

D.C. No. 4:08-cv-01923-CAW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Claudia A. Wilken, District Judge, Presiding

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

California state prisoner Willie Edwards 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).

Edwards contends that the Board of Prison Hearings's 2005 decision finding him unsuitable for parole is not supported by some evidence and was otherwise improper. The only 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. *See Swarthout v. Cooke*, 131 S. Ct. 859, 862-63 (2011) (per curiam). Because Edwards raises no procedural challenges, we affirm.

Edwards's motion to set oral argument and/or for decision is denied as moot.

AFFIRMED.