

FEB 21 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CHARLES TWAIN CLEMANS, Jr.,

Petitioner - Appellant,

v.

JAMES A. YATES and EDMUND G.
BROWN, Jr.,

Respondents - Appellees.

No. 08-57051

D.C. No. 3:07-cv-01162-WQH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

California state prisoner Charles Twain Clemans, Jr. appeals pro se 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.

Clemans argues that California Penal Code § 1191.3 and provisions in the Department of Corrections’s operating manual give him the right to earn day-for-day credits against his 28-year sentence. The state appellate court rejected this claim, noting that Penal Code section 2933.1 caps Clemans’s ability to earn credits

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

at 15%. Clemans's claim fails because federal habeas relief does not lie for violations of state law, *see* 28 U.S.C. § 2254(a); *Swarthout v. Cooke*, 131 S. Ct. 859, 861 (2011) (per curiam), and, in any event, we are bound by the state court's interpretation of state law, *see Mendez v. Small*, 298 F.3d 1154, 1158 (9th Cir. 2002).

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

Clemans's request for a copy of the answering brief, received December 6, 2011, is deemed filed and is denied as moot. All other pending motions and requests are deemed filed and are granted, and the amended reply received January 11, 2012, is deemed filed.

AFFIRMED.