

FEB 22 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARLOWE BROWN,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>U.S. DISTRICT COURT and RICK HILL, Warden,</p> <p>Respondents - Appellees.</p>
--

No. 11-15255

D.C. No. 2:09-cv-03241-JAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted February 21, 2012**

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

California state prisoner Marlowe Brown appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition as untimely. 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. Appellant. P. 34(a)(2).

The district court properly dismissed the habeas petition as untimely, as it was filed after the one-year statutory limitations period had ended. *See* 28 U.S.C. § 2244(d); *Banjo v. Ayers*, 614 F.3d 964, 967-69 (9th Cir. 2010).

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

AFFIRMED.