

MAY 21 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CURTIS LEE SLEDGE,

Petitioner - Appellant,

v.

D. K. SISTO,

Respondent - Appellee.

No. 11-15028

D.C. No. 2:08-cv-01748-LKK

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Former California state prisoner Curtis Lee Sledge 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.

* 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).

Sledge contends that the Board of Parole Hearings's 2006 decision to deny him parole was not supported by "some evidence" and therefore violated his due process rights. This claim is foreclosed. *See Swarthout v. Cooke*, 131 S. Ct. 859, 863 (2011) (per curiam).

Sledge further argues that his due process rights were violated because the Board was biased. The state court's rejection of this claim was neither contrary to, nor an unreasonable application of, clearly established federal law, nor based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding. *See* 28 U.S.C. § 2254(d).

AFFIRMED.