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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LACEDRIC W. JOHNSON,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JAMES WALKER, Warden,</p> <p>Respondent - Appellee.</p>

No. 11-16994

D.C. No. 2:09-cv-00067-WBS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted March 12, 2013**

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

California state prisoner LaCedric W. Johnson appeals pro se from the district court’s judgment denying his 28 U.S.C. § 2254 habeas petition challenging a prison disciplinary action. We have jurisdiction under 28 U.S.C. § 2253. We

* 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).

review the district court's denial of a section 2254 petition de novo, *see Lopez v. Schriro*, 491 F.3d 1029, 1036 (9th Cir. 2007), and we affirm.

Johnson contends that his due process rights were violated at his June 17, 2007, disciplinary proceeding because he is illiterate and was not provided with a staff assistant. The record reflects that Johnson received all process that was due and that some evidence supports the disciplinary findings. *See Wolff v. McDonnell*, 418 U.S. 539, 563-67 (1974); *see also Superintendent v. Hill*, 472 U.S. 445, 455 (1985). Contrary to Johnson's contention, the state court's conclusion that he was not illiterate and therefore not entitled to a staff assistant was neither contrary to, nor involved an unreasonable application of, clearly established federal law, nor was the decision based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings. *See* 28 U.S.C. § 2254(d).

AFFIRMED.