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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALLEN LYNN JEFFRIES,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>M. KNOWLES,</p> <p>Respondent - Appellee.</p>

No. 07-55123

D.C. No. 2:06-cv-06114-ER

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Edward Rafeedie, District Judge, Presiding

Submitted July 24, 2013**

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

California state prisoner Allen Lynn Jeffries appeals pro se from the district court’s judgment denying his 28 U.S.C. § 2254 habeas petition. We dismiss.

Jeffries contends that the Board of Prison Terms’s 2004 decision to deny him parole violated his right to due process. During the pendency of this appeal,

* 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).

this court held that a certificate of appealability (“COA”) is required to challenge the denial of parole. *See Hayward v. Marshall*, 603 F.3d 546, 554 (9th Cir. 2010) (en banc), *overruled on other grounds by Swarthout v. Cooke*, 131 S. Ct. 859 (2011). We construe Jeffries’s briefing as a request for a COA. Because Jeffries has not made a substantial showing of the denial of a constitutional right, we deny his request and dismiss his appeal for lack of jurisdiction. *See* 28 U.S.C. § 2253(c).

Jeffries’s motion for copies of records is denied.

DISMISSED.