

APR 11 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAMAL SHAHID,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JAMES D. HARTLEY,</p> <p>Respondent - Appellee.</p>
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No. 07-55191

D.C. No. CV-06-01522-FMC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Florence-Marie Cooper, District Judge, Presiding

Submitted April 5, 2011**

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

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

After briefing was completed in this case, this court held that a certificate of appealability (“COA”) is required to challenge the denial of parole. *See Hayward*

* 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)*.

v. Marshall, 603 F.3d 546, 554-55 (9th Cir. 2010) (en banc). Now the Supreme Court has held that the only federal right at issue in the parole context is procedural, and the only proper inquiry is what process the inmate received, not whether the state court decided the case correctly. *See Swarthout v. Cooke*, 131 S.Ct. 859, 863 (2011) (per curiam). We decline to certify the claims Shahid raises for the first time on appeal, and we dismiss the appeal for lack of jurisdiction. *See* 28 U.S.C. § 2253(c)(2); *Robinson v. Kramer*, 588 F.3d 1212, 1217 (9th Cir. 2009) (“Habeas claims that are not raised before the district court in the petition are not cognizable on appeal.”) (internal citation omitted).

DISMISSED.