

OCT 28 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RONALD E. DENNIS,</p> <p style="text-align: center;">Petitioner - Appellant,</p> <p style="text-align: center;">v.</p> <p>BEN CURRY,</p> <p style="text-align: center;">Respondent - Appellee.</p>

No. 07-55443

D.C. No. CV-06-04031-ABC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, Chief Judge, Presiding

Submitted October 19, 2010**

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

California state prisoner Ronald E. Dennis appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have

* 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).

jurisdiction under 28 U.S.C. § 2253,¹ and we affirm.

Dennis contends that the Board of Parole Hearings's 2005 decision to deny him parole violated his due process rights. Our review of the record indicates that the state court did not unreasonably conclude that some evidence supports the Board's decision. *See* 28 U.S.C. § 2254(d); *see also Hayward v. Marshall*, 603 F.3d 546, 563 (9th Cir. 2010) (en banc). Dennis's contention that the Board relied only on the commitment offense in finding him unsuitable for parole is belied by the record. The district court did not abuse its discretion in declining to hold an evidentiary hearing. *See Schriro v. Landrigan*, 550 U.S. 465, 474 (2007).

Dennis's requests for appointment of counsel, judicial notice, and an evidentiary hearing are denied. All pending motions are denied as moot.

AFFIRMED.

¹ We certify for appeal, on our own motion, the issue of whether some evidence of current dangerousness supported the California Board of Parole Hearings's 2004 decision to deny parole. *See Hayward v. Marshall*, 603 F.3d 546, 554-55 (9th Cir. 2010) (en banc). We decline to certify for appeal Dennis's remaining contentions. *See* 28 U.S.C. § 2253(c)(2) (certificate of appealability requires "substantial showing of the denial of a constitutional right").