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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DEWEY DERALD GULLICK,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>BOCK, Deputy Warden; STATE OF ARIZONA ATTORNEY GENERAL,</p> <p>Respondents - Appellees.</p>

No. 10-15409

D.C. No. 3:07-cv-08131-JWS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John W. Sedwick, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Arizona state prisoner Dewey Derald Gullick appeals pro se from the district court's dismissal of his 28 U.S.C. § 2254 habeas petition as untimely. 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).

Gullick contends that the district court erred by denying equitable tolling of AEDPA's one-year statute of limitations. In light of Gullick's ability to file other petitions, represent himself at a hearing, and the reports on his mental condition during the relevant time period, Gullick has failed to demonstrate that his mental condition caused his untimely filing. *See Gaston v. Palmer*, 417 F.3d 1030, 1034-35 (9th Cir. 2005), *modified on other grounds*, 447 F.3d 1165 (9th Cir. 2006). Further, any inadequate assistance Gullick received from other inmates is not an extraordinary circumstance that warrants equitable tolling. *See Chaffer v. Prosper*, 592 F.3d 1046, 1049 (9th Cir. 2010) (per curiam).

Finally, Gullick contends that, because the state courts incorrectly denied his state petitions as untimely, statutory tolling renders his federal petition timely. When a post-conviction petition is untimely under state law, that is the end of the matter for statutory tolling purposes. *See Pace v. DiGuglielmo*, 544 U.S. 408, 414, 417 (2005).

AFFIRMED.