

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 23 2014

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

CHARLES S. POPE,

Petitioner - Appellant,

v.

OREGON BOARD OF PAROLE AND
POST PRISON SUPERVISION,

Respondent - Appellee.

No. 13-36018

D.C. No. 2:12-cv-00305-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, Chief District Judge, Presiding

Argued and Submitted April 8, 2014
Seattle, Washington

Before: KOZINSKI, Chief Judge, and RAWLINSON and BEA, Circuit Judges.

Petitioner Charles Pope seeks federal habeas relief based on his claims of constitutional error arising from an Oregon Board of Parole hearing conducted on August 3, 2011.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

In January 2014, the Board of Parole conducted a hearing, referred to as an exit interview, in anticipation of Pope's scheduled July 21, 2014 release date. Following that hearing, the Board of Parole deferred Pope's release date 24 months to July 2016.

A habeas petition is moot when it no longer presents a case or controversy because the injury alleged cannot be redressed by a favorable judicial decision. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). If Pope were to prevail on the merits of his constitutional claims, the only relief this court could order would be that the Board of Parole conduct an exit interview hearing. That, Pope has already obtained. We therefore conclude that Pope's claim is moot. Because the court does not have jurisdiction to hear Pope's claim, the appeal is dismissed.

DISMISSED.