



1 process is limited to determining whether the prisoner “was allowed an opportunity to be heard and  
2 was provided a statement of the reasons why parole was denied.” *Id.*, at 862, *citing*, Greenholtz v.  
3 Inmates of Neb. Penal and Correctional Complex, 442 U.S. 1, 16 (1979). Review of the instant case  
4 reveals Petitioner was present at his parole hearing, was given an opportunity to be heard, and was  
5 provided a statement of reasons for the parole board’s decision. (See Answer Ex. A.) According to  
6 the Supreme Court, this is “the beginning and the end of the federal habeas courts’ inquiry into  
7 whether [the prisoner] received due process.” Swarthout, 131 S.Ct. at 862. “The Constitution does  
8 not require more [process].” Greenholtz, 442 U.S. at 16. Therefore, the instant petition does not  
9 present cognizable claims for relief, and no cognizable claim could be raised if leave to amend were  
10 granted. Jarvis v. Nelson, 440 F.2d 13, 14 (9<sup>th</sup> Cir. 1971). The petition should be dismissed.

11 **RECOMMENDATION**

12 Accordingly, IT IS HEREBY RECOMMENDED that the petition for writ of habeas corpus  
13 be DISMISSED.

14 This Findings and Recommendation is submitted to the Honorable Anthony W. Ishii, United  
15 States District Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of  
16 the Local Rules of Practice for the United States District Court, Eastern District of California.  
17 Within fourteen (14) days after service of the Findings and Recommendation, any party may file  
18 written objections with the court and serve a copy on all parties. Such a document should be  
19 captioned “Objections to Magistrate Judge’s Findings and Recommendation.” Replies to the  
20 objections shall be served and filed within fourteen (14) days after service of the objections. The  
21 Court will then review the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). The  
22 parties are advised that failure to file objections within the specified time may waive the right to  
23 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9<sup>th</sup> Cir. 1991).

24  
25 IT IS SO ORDERED.

26 **Dated: April 24, 2012**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE