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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NOEL PHILLIPE SCOTT,</p> <p style="text-align: center;">Petitioner - Appellant,</p> <p>v.</p> <p>TOM L. CAREY,</p> <p style="text-align: center;">Respondent - Appellee.</p>
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No. 09-15349

D.C. No. 2:07-cv-01001-WBS-KJM

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
William B. Shubb, District Judge, Presiding

Submitted February 15, 2011\*\*

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

California state prisoner Noel Phillippe Scott appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition as untimely. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

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\* 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).

Scott contends that he is entitled to equitable tolling due to withholding of legal papers, prison lockdowns, and limited library access. Equitable tolling is not warranted because he has not shown that any of the above grounds caused the untimely filing of his federal habeas petition. *See Ramirez v. Yates*, 571 F.3d 993, 998 (9th Cir. 2009); *see also Allen v. Lewis*, 255 F.3d 798, 800 (9th Cir. 2001) (extraordinary circumstances encountered early on it will normally make it more difficult to demonstrate causation).

We construe appellant's additional arguments as a motion to expand the certificate of appealability. So construed, the motion is denied. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

**AFFIRMED.**