

JAN 27 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EDWARD G. ONTIVEROS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>R. CAMPBELL and ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,</p> <p>Respondents - Appellees.</p>
--

No. 09-17739

D.C. No. 2:06-cv-02893-JCW

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
J. Clifford WALLACE, Circuit Judge, Presiding

Submitted January 17, 2012\*\*

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

California prisoner Edward G. Ontiveros appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. 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. Appellant. P. 34(a)(2).

Ontiveros contends that there was not sufficient evidence to support the finding that he was guilty of violating California Code of Regulations, title 15, section 3144(b)(1), and forging an officer's signature on legal mail, resulting in the loss of sentence credits. Contrary to Ontiveros's contention, the record reflects that the state court's determination that the discipline officer's finding was supported by some evidence was not contrary to, or an unreasonable application of, clearly established Federal law. *See* 28 U.S.C. § 2254(d)(1); *Superintendent v. Hill*, 472 U.S. 445, 455-56 (1985).

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); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

**AFFIRMED.**