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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGE NOAH BRAGGS, Petitioner - Appellant, v. JAMES A. WALKER, Warden, Respondent - Appellee.	No. 11-16293 D.C. No. 4:09-cv-03450-SBA MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

California state prisoner George Noah Braggs 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).

Braggs contends that the district court erroneously concluded Braggs was not entitled to equitable tolling. The district court properly rejected Braggs's equitable tolling arguments because Braggs failed to show that his mental impairment was an "extraordinary circumstance" beyond his control that made it impossible to file a timely federal habeas petition. *See Bills v. Clark*, 628 F.3d 1092, 1099-1100 (9th Cir. 2010).

Braggs also contends that the district court erred in denying him an evidentiary hearing. The district court did not abuse its discretion by denying Braggs's request because Braggs's allegations that he had a severe mental impairment during the filing period were not supported by the record. *See West v. Ryan*, 608 F.3d 477, 484-85 (9th Cir. 2010).

We construe Braggs'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.