

1 Constitutional right concerning the sufficiency of evidence upon which a denial of parole is
2 based.

3 Petitioner also claims he was denied parole in violation of California law. However, an
4 application for a writ of habeas corpus by a person in custody under a judgment of a state court
5 can be granted only for violations of the Constitution or laws of the United States, not state law.
6 28 U.S.C. § 2254(a).

7 Petitioner asserts that the fact that his co-defendant, who actually committed the killing
8 for which petitioner was found guilty of conspiring to commit, has been paroled means the
9 Constitution demands that petitioner be paroled as well. However the Supreme Court has held
10 that the Constitution does not require that two persons who committed the same crime receive the
11 same sentence. Williams v. Illinois, 399 U.S. 235, 243 (1970). In any case, under California law,
12 whether or not a prisoner is paroled depends upon many factors, not simply a prisoner's
13 commitment offense. Petitioner fails to show that when considering all the relevant factors, he
14 was an equal or better candidate for parole than his co-defendant. Furthermore, a single
15 demonstration of inequality is not enough to establish a violation of the Equal Protection Clause
16 of the Fourteenth Amendment. McQueary v. Blodgett, 924 F.3d 829, 835 (9th Cir. 1991).
17 Petitioner must show "systemic" discrimination, id., which he has not done.

18 Petitioner makes other claims in his petition, but they are essentially incomprehensible
19 and not worthy of discussion.¹

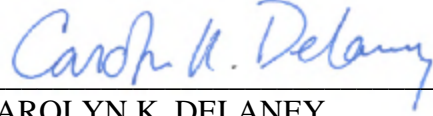
20 For all of the foregoing reasons, IT IS HEREBY RECOMMENDED that petitioner's
21 petition for writ of habeas corpus be summarily dismissed.

22 These findings and recommendations are submitted to the United States District Judge
23 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
24 after being served with these findings and recommendations, petitioner may file written
25 objections with the court. Such a document should be captioned "Objections to Magistrate
26 Judge's Findings and Recommendations." In his objections petitioner may address whether a

27 ¹ For example, petitioner suggests on page 45 his being denied parole somehow violates the
28 Eighth Amendment, but does not provide a coherent explanation as to how.

1 certificate of appealability should issue in the event he files an appeal of the judgment in this
2 case. Petitioner is advised that failure to file objections within the specified time may waive the
3 right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: October 6, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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