



1 Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all  
2 petitions for writ of habeas corpus and summarily dismiss any petition if it is plain that the  
3 petitioner is not entitled to relief. The court has conducted that review.

4 While petitioner's habeas petition is generally hard to understand, it appears he challenges  
5 the fact that he has been denied parole. As a California prisoner serving an indeterminate  
6 sentence, petitioner has a liberty interest in parole protected by the Due Process Clause of the  
7 Fourteenth Amendment. Swarthout v. Cooke, 562 U.S. 216, 219-20. (2011). However, the  
8 procedural protections which must be afforded with respect to the liberty interest are minimal; the  
9 "Constitution does not require more" than "an opportunity to be heard" at a parole hearing and  
10 that the potential parolee be "provided a statement of the reasons why parole was denied." Id. at  
11 220. Petitioner does not allege he was denied the opportunity to be heard at a parole hearing nor  
12 that he was not given a statement of reasons as to why he was denied parole.

13 For these reasons, the court will recommend that petitioner's petition for writ of habeas  
14 corpus be summarily dismissed.

15 Accordingly, IT IS HERBY ORDERED that:

- 16 1. Petitioner's request for leave to proceed in forma pauperis (ECF No. 6) is granted.
- 17 2. Petitioner's request for the appointment of counsel (ECF No. 3) is denied.

18 IT IS HEREBY RECOMMENDED that:

- 19 1. Petitioner's petition for writ of habeas corpus be summarily dismissed; and
- 20 2. This case be closed.

21 These findings and recommendations are submitted to the United States District Judge  
22 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
23 after being served with these findings and recommendations, any party may file written  
24 objections with the court and serve a copy on all parties. Such a document should be captioned  
25 "Objections to Magistrate Judge's Findings and Recommendations." In his objections petitioner  
26 may address whether a certificate of appealability should issue in the event he files an appeal of  
27 the judgment in this case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district  
28 court must issue or deny a certificate of appealability when it enters a final order adverse to the

1 applicant). Any response to the objections shall be served and filed within fourteen days after  
2 service of the objections. The parties are advised that failure to file objections within the  
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
4 F.2d 1153 (9th Cir. 1991).

5 Dated: April 10, 2017



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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