

1 Whether BPH's decision was supported by some evidence of current
2 dangerousness is irrelevant in federal habeas. The Supreme Court has made clear
3 that "it is no federal concern . . . whether California's 'some evidence' rule of
4 judicial review (a procedure beyond what the Constitution demands) was
5 correctly applied." Id. at 6.

6 For the foregoing reasons, the petition for a writ of habeas corpus is
7 DENIED. And pursuant to Rule 11 of the Rules Governing Section 2254 Cases,
8 a certificate of appealability (COA) under 28 U.S.C. § 2253(c) is DENIED
9 because it cannot be said that "reasonable jurists would find the district court's
10 assessment of the constitutional claims debatable or wrong." Slack v. McDaniel,
11 529 U.S. 473, 484 (2000).

12 The clerk shall enter judgment in favor of respondent and close the file.
13 SO ORDERED.

14 DATED: Jan. 26, 2011



CHARLES R. BREYER
United States District Judge