



1 that "it is no federal concern . . . whether California's 'some evidence' rule of  
2 judicial review (a procedure beyond what the Constitution demands) was  
3 correctly applied." Swarthout, 131 S. Ct. at 863.

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

10 The clerk shall enter judgment in accordance with this order and close the  
11 file.

12  
13 IT IS SO ORDERED.

14 DATED: Jan. 17, 2012

  
15 JAMES WARE  
16 United States District Chief Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOHN HOWARD MORRIS III,  
Plaintiff,

Case Number: CV11-05795 JW

**CERTIFICATE OF SERVICE**

v.

FRANK CHAVEZ et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 18, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Howard Morris C-42642  
SCC  
3-C-216  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

Dated: January 18, 2012

Richard W. Wieking, Clerk



By: Susan Imbriani, Deputy Clerk