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DISCUSSION


The only issue in this case is Petitioner’s claim that the parole denial was not supported by "some evidence." The United States Supreme Court has recently held that "[i]n the context of parole . . . the procedures required [by the due process clause] are minimal . . . an opportunity to be heard and . . . a statement of the reasons why parole was denied . . . ‘[t]he Constitution . . . does not require more.’” Swarthout v. Cooke, 131 S.Ct. 859, 862 (2011). That is, there is no due process requirement that a parole denial be supported by "some evidence." The petition therefore is without merit.

CONCLUSION

For the reasons set forth above, the petition for a writ of habeas is DENIED.

Pursuant to Rule 11 of the Rules Governing Section 2254 Cases, a certificate of appealability (“COA”) under 28 U.S.C. § 2253(c) is DENIED because it cannot be said that “reasonable jurists” would find the district court’s assessment of the constitution claims debatable or wrong. See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

DATED: May 3, 2011


JAMES WARE
United States District Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDDIE THOMAS,
Plaintiff,

Case Number: CV10-01357 JW

CERTIFICATE OF SERVICE

v.

R GROUNDS et al,
Defendant.

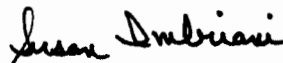
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 4, 2011, 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.

Eddie Thomas C-58679
CTF
P. O. Box 689
Soledad, CA 93960-0689

Dated: May 4, 2011

Richard W. Wieking, Clerk



By: Susan Imbriani, Deputy Clerk