

1 According to the TAP, Petitioner appealed the conviction; the state appellate
2 court affirmed the conviction and the state high court denied review in 2011. (Id. at 3.)
3 Petitioner also alleges that he filed a petition for a writ of certiorari in the United States
4 Supreme Court raising good time credits and parole claims. (Id. at 4.) Petitioner
5 initiated the instant federal habeas action on June 6, 2011.

7 DISCUSSION

8 A. Standard of Review

9 This court may entertain a petition for a writ of habeas corpus “in behalf of a
10 person in custody pursuant to the judgment of a State court only on the ground that he is
11 in custody in violation of the Constitution or laws or treaties of the United States.” 28
12 U.S.C. § 2254(a).

13 It shall “award the writ or issue an order directing the respondent to show cause
14 why the writ should not be granted, unless it appears from the application that the
15 applicant or person detained is not entitled thereto.” Id. § 2243.

16 B. Legal Claims

17 The Court found that Petitioner failed to correct the deficiencies from his original
18 petition in his various amended petitions. Petitioner cited to state regulations and case
19 law without giving specific facts showing how those regulations and case law apply, or
20 have been incorrectly applied, *to his specific conviction and sentence* such that his
21 continued confinement is unconstitutional. (Am. Pet. at 6.) Petitioner was provided a
22 third opportunity to file an amended petition to attempt to state cognizable claims and
23 correct these deficiencies.

24 In the TAP, Petitioner describes how credits are earned in California prisons, and
25 discusses the regulations over the last thirty years. Petitioner states that CDCR is not
26 properly following California regulations and has not correctly calculated his prison
27 term. However, Petitioner has again failed to specifically describe how his sentence is
28 improper. Simply stating that his prison term has been improperly calculated is

1 insufficient, especially was Petitioner's sentence carries the possibility of life. Nor has
2 Petitioner alleged a proper federal habeas claim by stating California regulation are not
3 being properly followed. The petition will be dismissed. As Petitioner has already been
4 provided several opportunities to amend and as it is clear no amount of amendment will
5 cure the deficiencies noted by the Court, the petition is dismissed with prejudice.

6
7 **CONCLUSION**

8 For the foregoing reasons, the petition is DISMISSED with prejudice.
9 Petitioner's motion for a hearing (Docket No. 19) is DENIED.

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

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16 DATED: _____

1/7/13



EDWARD J. DAVILA
United States District Judge