

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 16 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

AARON E. FULGHAM,

Petitioner-Appellant,

v.

ROSEANNE CAMPBELL, Warden,
Folsom State Prison,

Respondent-Appellee.

No. 06-16495

D.C. No. CV-03-01714-MCE

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted December 6, 2007**
San Francisco, California

Before: BRIGHT***, FARRIS, and THOMAS, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Myron H. Bright, Senior Circuit Judge, United States Court of Appeals for the Eighth Circuit, sitting by designation.

Aaron E. Fulgham, a California state prisoner, appeals the district court's denial of his petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Fulgham was tried and convicted of murder and other charges in California state court along with co-defendant Rudy James Murphy. Both are serving sentences of life imprisonment without the possibility of parole. Murphy and Fulgham filed separate habeas petitions challenging their state court convictions on the ground that the trial court violated their Sixth Amendment rights to a verdict free from coercion when the trial judge dismissed a juror for refusing to deliberate. We rejected this claim in the Murphy appeal and we follow that ruling here.

For the reasons set forth in this Court's Memorandum in Murphy v. Lamarque, No. 06-15585 (9th Cir. Jan. ____, 2008), we **AFFIRM**.