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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOEY ANTHONY BARNES,

Petitioner - Appellant,

v.

JIM HAMLET; equitable tolling al.,

Respondents - Appellees.

No. 06-17100

D.C. No. CV-02-01832-GEB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Chief District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

California state prisoner Joey Anthony Barnes appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

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

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

The district court granted a certificate of appealability as to: (1) whether the admission of evidence of prior domestic violence violated Barnes' rights to due process and equal protection; and (2) whether Barnes received ineffective assistance of counsel. On review of the record, we conclude that the state court's disposition of these claims was neither contrary to, nor an unreasonable application of, clearly established federal law. *See Carey v. Musladin*, 127 S. Ct. 649, 654 (2006); *Estelle v. McGuire*, 502 U.S. 62, 75 n.5 (1991); *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984). Accordingly, the district court properly denied these claims.

AFFIRMED.