

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 17 2004

FOR THE NINTH CIRCUIT

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

ARTURO COTA RAMIREZ,

Petitioner - Appellant,

v.

TONY SANTOS,

Respondent - Appellee.

No. 03-35585

D.C. No. CV-01-00100-TC-6

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Thomas M. Coffin, Magistrate Judge, Presiding

Submitted September 15, 2004**
Portland, Oregon

Before: WALLACE, GOULD, and BERZON, Circuit Judges.

Oregon state prisoner Arturo Ramirez appeals the district court's order denying his application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Ramirez argues that he was deprived of the constitutionally-required effective

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

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

assistance of counsel during his sentencing after his conviction of murder because his counsel failed adequately to investigate and to marshal evidence that Ramirez was a juvenile at the time of the crime. We have jurisdiction under 28 U.S.C. § 2253, and we affirm for the reasons stated by United States Magistrate Judge Thomas M. Coffin in his Findings and Recommendation of May 5, 2003, which were adopted by the district court in its Order of June 18, 2003.

AFFIRMED.