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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>AHMID A. CHAUDHRY,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JAMES E. TILTON,</p> <p>Respondent - Appellee.</p>
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No. 07-55953

D.C. No. CV-04-01039-SVW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Stephen V. Wilson, District Judge, Presiding

Submitted February 18, 2009\*\*

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

California state prisoner Ahmid A. Chaudhry appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

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\* 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).

Chaudhry contends that his trial counsel was ineffective for failing to refute the prosecution's closing argument that his self-defense theory was fabricated. We conclude that the state court's decision rejecting this claim was not contrary to, and did not involve an unreasonable application of, clearly established federal law, as determined by the Supreme Court of the United States. *See* 28 U.S.C. § 2254(d)(1); *see also Strickland v. Washington*, 466 U.S. 668, 689-92 (1984).

To the extent that Chaudhry raises uncertified claims, we construe his arguments as a motion to expand the certificate of appealability, and we deny the motion. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-1105 (9th Cir. 1999) (per curiam).

**AFFIRMED.**