

MAR 27 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VANCE EDWARD JOHNSON,

Petitioner - Appellant,

v.

D. L. RUNNELS, Warden,

Respondent - Appellee.

No. 06-16295

D.C. No. CV-02-05537-CW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS and TASHIMA, Circuit Judges.

California state prisoner Vance Edward Johnson appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 petition, challenging his

* 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).

jury-trial conviction for carjacking by use of a firearm, second degree robbery, attempted second degree robbery by use of a firearm, and possession of a firearm by a felon. We have jurisdiction pursuant to 28 U.S.C. §§ 1291 and 2253, and we affirm.

Johnson contends that his federal due process rights were violated by: 1) the admission of evidence of uncharged crimes; 2) the admission of unreliable witness identifications; 3) the admission of prior testimony of an unavailable witness; 4) an erroneous jury instruction; 5) an inadequate record on appeal; and 6) ineffective assistance by appellate counsel. We conclude that the state court's rejection of these claims was not objectively unreasonable. *See Himes v. Thompson*, 336 F.3d 848, 852-53 (9th Cir. 2003); *see also Jackson v. Brown*, 513 F.3d 1057, 1084 (9th Cir. 2008); *Turner v. Calderon*, 281 F.3d 851, 872 (9th Cir. 2002); *Johnson v. Sublett*, 63 F.3d 926, 929 (9th Cir. 1995); *Jammal v. Van de Kamp*, 926 F.2d 918, 920 (9th Cir. 1991); *Madera v. Risley*, 885 F.2d 646, 648 (9th Cir. 1989).

Johnson's motion to broaden the certificate of appealability is denied. *See Hiivala v. Wood*, 195 F.3d 1098, 1104 (9th Cir. 1999) (per curiam).

AFFIRMED.