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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTHUR GASPARD, Petitioner - Appellant, v. PEOPLE OF THE STATE OF CALIFORNIA; et al., Respondents - Appellees.	No. 07-15116 D.C. No. CV-05-03313-JF MEMORANDUM[*]

Appeal from the United States District Court
for the Northern District of California
Jeremy D. Fogel, District Judge, Presiding

Submitted April 13, 2009[**]

Before: GRABER, GOULD and BEA, Circuit Judges.

California state prisoner Arthur Gaspard appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 petition. We have jurisdiction pursuant to 28 U.S.C. §§ 1291 and 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).

KR/Research

Gaspard contends that his constitutional rights were violated when a prosecution witness referred to matters which had been ordered excluded from evidence. We conclude that the state court's decision rejecting this claim was neither contrary to, nor an unreasonable application of, clearly established federal law, as determined by the United States Supreme Court. *See* 28 U.S.C. § 2254(d); *see also Estelle v. McGuire*, 502 U.S. 62, 71-75 (1991); *Alberni v. McDaniel*, 458 F.3d 860, 863-67 (9th Cir. 2006).

AFFIRMED.