

APR 17 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN WILLIE JENKINS,

Petitioner - Appellant,

v.

A. A. LAMARQUE, Warden,

Respondent - Appellee.

No. 07-55972

D.C. No. CV-04-02167-JFW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted April 13, 2009**

Before: GRABER, GOULD, and BEA, Circuit Judges.

California state prisoner John Willie Jenkins 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. §§ 1291 and 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 trial court did not unreasonably decide that Jenkins's request for reappointment of counsel was an improper attempt to delay the trial. *Menefield v. Borg*, 881 F.2d 696, 700 (9th Cir. 1989). Neither was the trial court unreasonable in denying Jenkins a continuance. *Morris v. Slappy*, 461 U.S. 1, 11 (1983).

Jenkins also fails to show that his courtroom appearance in prison attire for one day or that the prosecution's closing statement prejudiced him. *Brecht v. Abrahamson*, 507 U.S. 619, 637 (1993).

AFFIRMED.