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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PHILIP W. HENDERSON,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>ANTHONY C. NEWLAND,</p> <p>Respondent - Appellee.</p>
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No. 07-16740

D.C. No. CV-98-04837-CW

MEMORANDUM\*

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

Submitted April 13, 2009\*\*

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

California state prisoner Philip W. Henderson appeals pro se from the district court’s judgment denying 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).

Henderson contends that the prosecution engaged in misconduct by suborning perjury from a witness and by vouching for the credibility of the same witness. We conclude that the California Supreme Court's decision rejecting these claims was not objectively unreasonable. *See United States v. Agurs*, 427 U.S. 97, 103 (1976); *see also Darden v. Wainwright*, 477 U.S. 168, 181 (1986); *Himes v. Thompson*, 336 F.3d 848, 853 (9th Cir. 2003).

Henderson also contends that the prosecution violated his attorney-client privilege by confiscating letters between him and his wife which contained defense strategy. We conclude that the California Supreme Court's decision rejecting this claim was not objectively unreasonable. *See Weatherford v. Bursey*, 429 U.S. 545, 558 (1977); *see also Himes*, 336 F.3d at 853.

We deny Henderson's motion to expand the Certificate of Appealability. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

**AFFIRMED.**