

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 29 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHERRY LOU FRASURE,

Defendant - Appellant.

No. 07-35491

D.C. Nos. CV-06-00083-SEH
CR-02-00083-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted April 13, 2009**

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

Federal prisoner Sherry Lou Frasure appeals from the denial of her 28 U.S.C. § 2255 motion. We have jurisdiction pursuant to 28 U.S.C. § 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).

Frasure contends that she received ineffective assistance of counsel when her attorney failed to investigate facts which would have cast doubt on her connection to a storage unit where drugs and firearms were found. This contention fails because Frasure cannot show prejudice in light of evidence adduced at sentencing linking her to the storage unit in question. *See Strickland v. Washington*, 466 U.S. 668, 699-700 (1984).

AFFIRMED.