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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LOPEZ G. NEWHALL, Petitioner - Appellant, v. ARIZONA ATTORNEY GENERAL; et al., Respondents - Appellees.	No. 07-15673 D.C. No. CV-06-00077-PCT-EHC MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted May 12, 2009**

Before: PREGERSON, CANBY, and BERZON, Circuit Judges.

Arizona state prisoner Lopez G. Newhall appeals from the district court's judgment denying his habeas petition under 28 U.S.C. § 2254. We have

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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).

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jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Newhall contends that his trial counsel was ineffective for failing to adequately explain the state's final plea offer. Assuming that counsel's performance was deficient, Newhall has nevertheless failed to show prejudice because he has not demonstrated that there was a reasonable probability that he would have accepted the plea offer to avoid a trial. *See Turner v. Calderon*, 281 F.3d 851, 880 (9th Cir. 2002); *see also Jones v. Wood*, 114 F.3d 1002, 1012-13 (9th Cir. 1997). Accordingly, the state court's decision rejecting Newhall's claim of ineffective assistance of counsel was not contrary to, and did not involve an unreasonable application of, clearly established federal law, as determined by the Supreme Court of the United States. *See* 28 U.S.C. § 2254(d)(1); *see also Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984).

AFFIRMED.