

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

JUL 14 2009

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

FRANK BOWMAN,

Petitioner - Appellant,

v.

JAMES E. TILTON, California  
Department of Corrections and  
Rehabilitation,

Respondent - Appellee.

No. 08-55214

D.C. No. CV-03-02224-BTM

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Barry T. Moskowitz, District Judge, Presiding

Argued and Submitted July 8, 2009  
Pasadena, California

Before: KOZINSKI, Chief Judge, FERNANDEZ, and N.R. SMITH, Circuit  
Judges.

The state court's conclusion that sufficient evidence supports Bowman's convictions for conspiracy and being a felon in possession of a firearm is not contrary to or an objectively unreasonable application of *Jackson v. Virginia*, 443 U.S. 307 (1979).

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Likewise, the state court's conclusion that sufficient evidence supports the firearm enhancements was not contrary to or an objectively unreasonable application of *Jackson*.

The state court's determination that Bowman's sentence does not violate the Eighth Amendment is also not contrary to or an unreasonable application of Supreme Court precedent. In light of the gravity of Bowman's offenses of conviction and his significant criminal history, this is not an "exceedingly rare" or "extreme" case giving rise to an inference of gross disproportionality. *See Lockyer v. Andrade*, 538 U.S. 63, 73 (2003); *Rummel v. Estelle*, 445 U.S. 263, 272–73 (1980).

**AFFIRMED.**