

OCT 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DAVID PAUL STOCKS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>DORA B. SCHRIRO, et al.,</p> <p>Respondents - Appellees.</p>
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No. 06-17053

D.C. No. CV-03-01510-ROS

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Roslyn O. Silver, District Judge, Presiding

Submitted October 13, 2009\*\*

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Arizona state prisoner David Paul Stocks appeals 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).

Stocks contends the state prosecutor did not present sufficient evidence of the offense dates of his prior convictions which the sentencing court used to enhance his sentence. Stocks has not shown that the Arizona Court of Appeals' decision rejecting this claim was contrary to, or involved an unreasonable application of, clearly established federal law, as determined by the Supreme Court of the United States, or was based on an unreasonable determination of facts in light of the evidence presented in the state court proceeding. *See* 28 U.S.C. § 2254(d).

**AFFIRMED.**