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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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

<p>KETHON LAVERON TRIGGS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>LEE ANN CHRONES, Acting Warden,</p> <p>Respondent - Appellee,</p> <p>and</p> <p>A. A. LAMARQUE,</p> <p>Respondent.</p>
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No. 08-15151

D.C. No. CV-00-04201-CW
Northern District of California,
Oakland

ORDER

Before: THOMAS and PAEZ, Circuit Judges, and EZRA,* District Judge.

The memorandum disposition filed on September 15, 2009 is AMENDED as follows:

On Page 7, delete the sentence reading: “Because the California Court of Appeal addressed the merits of this claim, we review under the deferential AEDPA standard.” Replace the deleted sentence with the following sentence: “In reviewing these claims, we need not decide whether Triggs properly presented

* The Honorable David Ezra, United States District Court for the District of Hawaii, sitting by designation.

them to the California Court of Appeal because, whether we apply AEDPA's deferential standard of review or review *de novo*, we reach the same result."

With this amendment, Appellant's Petition for Rehearing is DENIED. No further petitions shall be entertained.