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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIO ARRON NEWSOME, Petitioner - Appellant, v. LARRY SCRIBNER, Warden,** Respondent - Appellee.	No. 07-56117 D.C. No. CV-05-01534-IEG MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Irma E. Gonzalez, Chief District Judge, Presiding

Submitted December 15, 2009***

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

California state prisoner Mario Arron Newsome appeals from the district

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

** Larry Scriber is substituted for his predecessor, S.J. Ryan, as Warden of Calipatria State Prison, pursuant to Fed. R. App. P. 43(c)(2).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Research

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.

Newsome contends that the trial court violated his Sixth Amendment right to confrontation by admitting prior out-of-court statements made by five declarants who testified at trial but could not recall whether they made the prior statements. The district court correctly determined that the California Court of Appeal's rejection of Newsome's Sixth Amendment claims was not contrary to, and did not involve an unreasonable application of, clearly established Supreme Court law. *See* 28 U.S.C. § 2254(d)(1); *see also United States v. Owens*, 484 U.S. 554, 559-60 (1988); *California v. Green*, 399 U.S. 149, 164 (1970).

AFFIRMED.