

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 11 2010

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

JASON G. VAN NORMAN,

Petitioner - Appellant,

v.

DORA B. SCHRIRO; et al.,

Respondents - Appellees.

No. 07-16678

D.C. No. CV-06-01808-DGC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

Submitted December 15, 2009**

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

Arizona state prisoner Jason G. Van Norman appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

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

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

Van Norman contends that his aggravated sentence was imposed in violation of the Sixth Amendment because the trial court relied on judge-found aggravating factors to sentence him above the presumptive sentencing range. Because the state trial judge relied on one permissible factor in enhancing Van Norman's sentence, the Arizona Court of Appeals' decision rejecting this claim was neither contrary to, nor an unreasonable application of, clearly established federal law. *See* 28 U.S.C. § 2254(d)(1); *see also* *Butler v. Curry*, 528 F.3d 624, 643 (9th Cir. 2008).

AFFIRMED.