

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 26 2010

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LESLIE CHARLES COHEN,

Defendant - Appellant.

No. 07-15898

D.C. Nos. CV-04-00933-JAT
CR-01-00099-JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Leslie Charles Cohen appeals pro se from the district court's denial of his 28 U.S.C. § 2255 motion. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm the district court.

* 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).

Cohen contends that the district court erred by rejecting his various ineffective assistance of counsel claims, including that his trial counsel lacked experience and had never previously tried a federal case. We agree with the district court that Cohen has not established deficient performance or prejudice under *Strickland v. Washington*, 466 U.S. 668, 687 (1984). We reject Cohen's remaining contentions concerning ineffective assistance of counsel for the reasons stated by the district court. *See id.*

Cohen also raises numerous uncertified issues. We construe such argument as a motion to expand the certificate of appealability. So construed, the motion is denied. *See* 9th Cir. R. 22-1(e); *see also* *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

Cohen's motion to file a supplemental brief is granted. The Clerk shall file the supplemental brief received on October 23, 2009.

AFFIRMED.