

JAN 26 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICARDO HENRY,

Petitioner - Appellant,

v.

C. M. HARRISON, Warden,

Respondent - Appellee.

No. 07-55684

D.C. No. CV-05-03258-FMC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Florence-Marie Cooper, District Judge, Presiding

Submitted January 11, 2010**

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

California state prisoner Ricardo Henry 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.

* 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).

Henry contends that his due process right to a fair trial was violated because there was insufficient evidence to support the convictions for first degree robbery, first degree burglary, and attempted murder.

The district court properly determined that the California Court of Appeal did not unreasonably apply *Jackson v. Virginia*, 443 U.S. 307 (1979) in determining that, taking the evidence in the light most favorable to the prosecution, a rational factfinder could have found the essential elements of his convictions beyond a reasonable doubt. *See* 28 U.S.C. § 2254(d); *see also* *Juan H. v. Allen*, 408 F.3d 1262, 1275 (9th Cir. 2005).

Henry's motion to expand the certificate of appealability 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).

AFFIRMED.