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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSEPH GIDEON HANCOCK,

Petitioner - Appellant,

v.

ATTORNEY GENERAL OF THE STATE  
OF CALIFORNIA; BEN CURRY,

Respondents - Appellees.

No. 07-17060

D.C. No. CV-02-02413-FCD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Frank C. Damrell, District Judge, Presiding

Submitted February 16, 2010\*\*

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

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\* 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).

California state prisoner Joseph Gideon Hancock appeals pro se from the district court's order denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Hancock contends that there was insufficient evidence to support his conviction for assault with a firearm. The record reflects that the state court's rejection of this claim was neither contrary to, nor involved an unreasonable application of, clearly established federal law. *See* 28 U.S.C. § 2254(d)(1); *see also Jackson v. Virginia*, 443 U.S. 307, 324 (1979).

Hancock next contends that the jury instructions improperly lowered the prosecution's burden of proof. The "context of the overall charge" does not support Hancock's contention. *Cupp v. Naughten*, 414 U.S. 141, 146-47 (1973). The state court's rejection of this claim was neither contrary to, nor involved an unreasonable application of, clearly established federal law. *See* 28 U.S.C. § 2254(d)(1).

Hancock'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.**