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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HAROLD EUGENE LEE,

Petitioner - Appellant,

v.

BRIAN HAWS,

Respondent.

No. 07-56040

D.C. No. CV-05-00690-GHK

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
George H. King, District Judge, Presiding

Submitted February 16, 2010

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

California state prisoner Harold Eugene Lee appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction

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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).

pursuant to 28 U.S.C. § 2253, and we affirm.

Lee contends that the trial court violated his due process and confrontation rights by denying his request for a two-day continuance so that a defense witness who was on vacation could testify at trial. The district court correctly determined that the California Court of Appeal's rejection of this claim 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 Morris v. Slappy*, 461 U.S. 1, 11-12 (1983); *Ungar v. Sarafite*, 376 U.S. 575, 589-91 (1964).

**AFFIRMED.**