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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PHILLIP ROSENBLUM,

Petitioner - Appellant,

v.

ROSEANNE CAMPBELL,

Respondent - Appellee.

No. 07-56495

D.C. No. CV-06-01156-JVS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted February 16, 2010**

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

California state prisoner Phillip Rosenblum appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition without prejudice. We

* 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).

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

Rosenblum contends that the district court erred by denying his motion for a stay and abeyance. The district court did not abuse its discretion, *see Jackson v. Roe*, 425 F.3d 654, 656 (9th Cir. 2005), because its finding that Rosenblum failed to demonstrate “good cause” to excuse his failure to exhaust was consistent with *Rhines v. Weber*, 544 U.S. 269, 277-78 (2005), and *Wooten v. Kirkland*, 540 F.3d 1019, 1023-24 (9th Cir. 2008).

Rosenblum’s motion for leave to file a pro se supplemental brief is **DENIED**. Because Rosenblum is represented by counsel, only counsel may submit filings. Accordingly, we do not consider the pro se filing received on June 10, 2009.

AFFIRMED.