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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GARY GENE WATTS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>CRAIG FARWELL,</p> <p>Respondent - Appellee.</p>
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No. 08-16476

D.C. No. 3:04-CV-00386-ECR-  
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MEMORANDUM \*

Appeal from the United States District Court  
for the District of Nevada  
Edward C. Reed, District Judge, Presiding

Submitted March 9, 2010\*\*  
San Francisco, California

Before: WALLACE, GRABER, and McKEOWN, Circuit Judges.

Defendant Gary Gene Watts, a Nevada state prisoner, appeals the denial of his habeas corpus petition challenging his conviction by guilty plea for three counts of sexual assault of a minor. We review de novo, Tilcock v. Budge, 538 F.3d 1138, 1143 (9th Cir. 2008), cert. denied, 129 S. Ct. 926 (2009), but habeas

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

relief is warranted only if the state court's decision was "contrary to, or involved an unreasonable application of, clearly established Federal law[ ] as determined by the Supreme Court," or resulted in "an unreasonable determination of facts in light of the evidence presented in the State court proceeding[s]," 28 U.S.C. § 2254(d)(1)-(2); Williams v. Taylor, 529 U.S. 362, 407-09 (2000).

Defendant failed to demonstrate an actual conflict of interest. He points to no evidence, and the record contains none, that his counsel's alleged conflicts "actually affected the adequacy of his representation." Cuyler v. Sullivan, 446 U.S. 335, 348-49 (1980). Therefore, Defendant's Sixth Amendment right to counsel was not violated.

Defendant has abandoned or waived the issue of whether his guilty plea was voluntary, so we do not address it on the merits.

AFFIRMED.