

MAR 29 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRIS S. LANGE,

Petitioner - Appellant,

v.

BRIAN BELLEQUE,

Respondent - Appellee.

No. 07-36087

D.C. No. CV-05-00255-HU

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Oregon state prisoner Chris S. Lange appeals from the district court's order dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we dismiss.

* 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).

Lange contends that the district court erred when it dismissed his petition on the grounds that he waived his right to challenge his sentence in any state or federal collateral proceeding. The record reflects that Lange waived his right to file the instant petition, which is necessarily a challenge to his sentence. The district court did not err in concluding that the petition is barred by a valid waiver of the right to file a collateral challenge to his sentence. *See Washington v. Lampert*, 422 F.3d 864, 869 (9th Cir. 2005).

DISMISSED.