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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JERMAINE EDWARD CASEY,

Petitioner - Appellant,

v.

JULIE BROWN,

Respondent - Appellee.

No. 07-16594

D.C. No. CV-04-04749-PJH

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted March 16, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

* 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). Accordingly, appellant's request for oral argument is denied.

California state prisoner Jermaine Edward Casey appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Casey contends that the trial court violated his due process and confrontation rights by refusing to allow defense counsel to cross-examine a witness regarding whether she had made prior false accusations of sexual assault. The record demonstrates that the trial court considered legitimate state concerns in reaching its decision, and therefore the California state court's decision rejecting this claim was neither contrary to, nor an unreasonable application of, clearly established Supreme Court law, nor was it an unreasonable determination of the facts in light of the evidence. *See* 28 U.S.C. § 2254(d); *see Fowler v. Sacramento County Sheriff's Dept.*, 421 F.3d 1027, 1038-39 (9th Cir. 2005) (holding that trial court's weighing of legitimate state interests was not "contrary to" clearly established Supreme Court law).

AFFIRMED.