

APR 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TRAVIS RAY THOMPSON,

Petitioner - Appellant,

v.

JEANNE S. WOODFORD, Warden,

Respondent - Appellee.

No. 07-56721

D.C. No. CV-06-01758-JAH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted April 5, 2010**

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

California state prisoner Travis Ray Thompson 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.

* 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).

Thompson contends that the trial court violated his rights under *Faretta v. California*, 422 U.S. 806 (1975), when it revoked his pro per status mid-trial. The California Court of Appeal's decision rejecting this claim was neither contrary to, nor involved an unreasonable application of, clearly established federal law as determined by the Supreme Court of the United States. *See* 28 U.S.C. § 2254(d)(1); *see also Faretta*, 422 U.S. at 834 n. 46.

Thompson also contends that the introduction of extrinsic evidence into the jury deliberations violated his Sixth Amendment rights. The California Court of Appeal's decision rejecting this claim was neither contrary to, nor involved an unreasonable application of, clearly established federal law as determined by the Supreme Court of the United States. *See* 28 U.S.C. § 2254(d)(1); *see also Bayramoglu v. Estelle*, 806 F.2d 880, 887 (9th Cir. 1986) (citing *Fahy v. Connecticut*, 375 U.S. 85, 86-87 (1963)). We reject Thompson's contention that an evidentiary hearing was required with regard to this matter. *See Smith v. Phillips*, 455 U.S. 209, 215 (1982); *see also Tracey v. Palmateer*, 341 F.3d 1037, 1044-45 (9th Cir. 2003).

We construe Thompson's uncertified claim, that his *Faretta* advisements were inadequate, as a motion to expand the certificate of appealability. So

construed, the motion is denied. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

AFFIRMED.