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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MICHAEL J. LOOMIS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>RANDY BLADES,</p> <p>Respondent - Appellee.</p>
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No. 08-35676

D.C. No. 1:06-cv-00157-BLW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
B. Lynn Winmill, Chief District Judge, Presiding

Submitted May 25, 2010\*\*

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Idaho state prisoner Michael J. Loomis appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 petition. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

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\* 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).

Loomis contends that the state trial court's denial of his request for DNA testing deprived him of his constitutional right to present a defense. The trial court's determination that the expense of testing was not justified because the DNA test at issue was not sufficiently related to the charged offenses, and a negative test result would not have supported Loomis' argument that he fabricated his confession, is supported by the record. Thus, the state court of appeals' decision affirming the trial court's denial of Loomis' request for DNA testing was not contrary to, or 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); *see also Crane v. Kentucky*, 476 U.S. 683, 689-91 (1986); *Ake v. Oklahoma*, 470 U.S. 68, 77 (1985).

We deny Loomis' motion to expand the certificate of appealability. *See* 9th Cir. R. 22-1; *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

We also deny Loomis' motion for confirmation of documents and request for augmentation of the record.

**AFFIRMED.**