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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROBERT EUGENE MERIDETH,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>BRIAN BELLEQUE,</p> <p>Respondent - Appellee.</p>
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No. 08-35816

D.C. No. 6:04-cv-00762-ALA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, Chief District Judge, Presiding

Submitted May 25, 2010**

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

Oregon state prisoner Robert Eugene Merideth appeals from the district court’s judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 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).

Merideth contends that his trial counsel was ineffective by failing to: (1) investigate the basis for an expert witness' testimony; and (2) object to certain prejudicial testimony. The record indicates that the state court's decision rejecting Merideth's ineffective assistance of counsel claim 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 Strickland v. Washington*, 466 U.S. 668, 687 (1984); *Hendricks v. Calderon*, 70 F.3d 1032, 1039 (9th Cir. 1995).

Merideth's request to remand for an evidentiary hearing is denied. *See Earp v. Ornoski*, 431 F.3d 1158, 1166-67 (9th Cir. 2005).

AFFIRMED.