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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM B. GREENE,

Petitioner - Appellant,

v.

STEPHEN SINCLAIR,

Respondent - Appellee.

No. 09-35485

D.C. No. 2:08-cv-00884-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, Chief Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Washington state prisoner William B. Greene 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.

* 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).

Greene contends that the use of DNA information that was collected after a 1995 conviction, which was vacated on federal habeas review, in a subsequent criminal prosecution, violated his rights under the Fourth Amendment. Federal habeas review is precluded where, as here, the State has provided appellant “an opportunity for full and fair litigation of a Fourth Amendment claim[.]” *Stone v. Powell*, 428 U.S. 465, 482 (1976); *see also Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 899 (9th Cir. 1996).

Greene’s motion for remand, filed on September 23, 2009; his request for judicial notice, filed on November 5, 2009; and his motion for remand, filed on January 4, 2010, are denied.

AFFIRMED.