

JUL 21 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HAROLD MORALES,

Petitioner - Appellant,

v.

ROSANNE CAMPBELL, Warden,

Respondent - Appellee,

PEOPLE OF THE STATE OF
CALIFORNIA,

Real-party-in-interest -
Appellee.

No. 08-16294

D.C. No. 3:06-CV-06645-MHP

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Marilyn H. Patel, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, 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).

California state prisoner Harold Morales appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas corpus petition. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

Morales contends that the trial court violated his Sixth Amendment rights by admitting statements by the woman he was convicted of murdering. Morales argues that *Giles v. California*, 128 S.Ct. 2678 (2008), applies retroactively, or alternatively, the state court's application of the "forfeiture by wrongdoing" doctrine was contrary to or an unreasonable application of clearly established federal law as determined by the United States Supreme Court at the time of his appeal. These contentions are foreclosed. *See Ponce v. Felker*, 606 F.3d 596 (9th Cir. 2010).

AFFIRMED.