

AUG 26 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MERWIN MICHAEL HILL,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>CHARLES L. RYAN^{***} and TERRY GODDARD,</p> <p>Respondents - Appellees.</p>
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No. 09-15058

D.C. No. 2:07-cv-00762-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted August 10, 2010**

Before: HAWKINS, McKEOWN, and IKUTA, Circuit Judges.

Arizona state prisoner Merwin Michael Hill appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have

* 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).

*** Charles L. Ryan is substituted for his predecessor Dora B. Schriro as Director of the Arizona Department of Corrections. *See* Fed. R. App. P. 43(c)(2).

jurisdiction under 28 U.S.C. § 2253, and we affirm.

Hill contends that he received ineffective assistance of counsel rendering his guilty plea involuntary because his trial counsel failed to interview several witnesses before Hill pled guilty and his trial counsel failed to challenge the sufficiency of the State's evidence supporting the "serious physical injury" element of Hill's aggravated assault charge. However, the Arizona court's denial of Hill's claims was not an unreasonable application of clearly established Supreme Court law. *See* 28 U.S.C. § 2254(d)(1); *see also Hill v. Lockhart*, 474 U.S. 52, 57-59 (1985) (holding that two-part *Strickland v. Washington* test applies to challenges to guilty pleas based on ineffective assistance of counsel).

AFFIRMED.