

OCT 04 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM LANDRUM,

Petitioner - Appellant,

v.

LAURA SCHWEITZER; STATE OF
ARIZONA ATTORNEY GENERAL,

Respondents - Appellees.

No. 08-17771

D.C. No. 2:07-cv-00952-JWS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John W. Sedwick, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Arizona state prisoner William Landrum appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition for untimeliness.

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).

Landrum contends that several extraordinary circumstances prevented the timely filing of his federal habeas petition and that equitable tolling was warranted. This argument is waived because it was not properly raised before the district court. *See United States v. Carlson*, 900 F.2d 1346, 1349 (9th Cir. 1990). Furthermore, Landrum was not entitled to equitable tolling. *See Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir.2006) (“[A] pro se petitioner’s lack of legal sophistication is not, by itself, an extraordinary circumstance warranting equitable tolling.”).

AFFIRMED.