

MAR 23 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ENCARNACION AGUILAR,

Petitioner - Appellant,

v.

DWIGHT NEVEN and ATTORNEY
GENERAL OF THE STATE OF
NEVADA,

Respondents - Appellees.

No. 09-17347

D.C. No. 2:06-cv-00385-RCJ-LRL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Argued and Submitted March 14, 2011
San Francisco, California

Before: WALLACE, NOONAN, and CLIFTON, Circuit Judges.

Encarnacion Aguilar (“Aguilar”) appeals the district court’s denial of his 28 U.S.C. § 2254 habeas corpus petition. He argues that, in violation of the Sixth

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Amendment, he was denied a speedy trial. We affirm, for the reasons stated by the district court.

Aguilar also seeks a certificate of appealability (“COA”) regarding whether his appellate counsel was ineffective in failing to argue the indictment was untimely. We deny the COA, for the reasons stated by the district court.

AFFIRMED and DENIED.