

APR 27 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL WOODS,

Petitioner - Appellant,

v.

DERRAL G. ADAMS, Warden, Substance
Abuse Treatment Facility and State Prison,

Respondent - Appellee.

No. 09-56373

D.C. No. 8:06-cv-00069-AG-JWJ

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Andrew J. Guilford, District Judge, Presiding

Argued and Submitted April 15, 2011
Pasadena, California

Before: KOZINSKI, Chief Judge, D.W. NELSON and BYBEE, Circuit Judges.

The district court did not err in denying Woods's petition for a writ of habeas corpus. The California Court of Appeal's conclusion that Woods had failed to establish prejudice because he was able to get virtually all of Sheridan's

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

statements into evidence through other witnesses was not unreasonable. *See United States v. Valenzuela-Bernal*, 458 U.S. 858, 867 (1982).

The California Court of Appeal's determination that the trial court properly permitted Sheridan to claim his Fifth Amendment privilege was similarly not in error. *See Mitchell v. United States*, 526 U.S. 314, 326 (1999) ("Where the sentence has not yet been imposed a defendant may have a legitimate fear of adverse consequences from further testimony.").

AFFIRMED.