

APR 28 2011

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MICHAEL J. YANCEY,

Petitioner - Appellant,

v.

**JEANNE S. WOODFORD, Director of
the California Department of
Corrections; CHARLES HARRISON,
Warden of the California State Prison,
Los Angeles County,**

Respondents - Appellees.

No. 08-15966

D.C. No. 5:05-cv-01028-JF

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jeremy D. Fogel, District Judge, Presiding

Argued and Submitted April 13, 2011
San Francisco, California

Before: **KOZINSKI**, Chief Judge, **N.R. SMITH**, Circuit Judge, and **BLOCK**,
District Judge.**

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

** The Honorable Frederic Block, Senior United States District Judge for the Eastern District of New York, sitting by designation.

The state court could reasonably conclude that the constitutional errors at trial were harmless. Yancey therefore can't make the more difficult showing of prejudice required on collateral review. See Fry v. Pliler, 551 U.S. 112, 119–20 (2007). State courts do not have to follow the federal procedural rule on severance, see Collins v. Runnels, 603 F.3d 1127, 1131–32 (9th Cir. 2010), and we don't review whether the trial court's evidentiary rulings were proper under state law, see Estelle v. McGuire, 502 U.S. 62, 67–68 (1991).

AFFIRMED.