FILED

JUN 3 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LIONEL HANSON, Petitioner - Appellant, v. SCOTT KERNAN and BILL LOCKYER, Attorney General, Respondents - Appellees.	No. 10-16129 D.C. No. 2:05-cv-00284-LKK MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

California state prisoner Lionel Hanson appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. 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).

Hanson contends that the evidence introduced at his trial was insufficient to support the jury's true finding on a criminal street gang enhancement. This contention lacks merit because a rational trier of fact could have found that the prosecution proved the essential elements of the enhancement beyond a reasonable doubt. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *People v. Gardeley*, 14 Cal. 4th 605, 624 n.10 (1996). We are bound by the California Court of Appeal's interpretation of state law in Hanson's direct appeal. *See Medley v. Runnells*, 506 F.3d 857, 862 (9th Cir. 2007) (en banc).

Accordingly, the state court's decision rejecting Hanson's claim was not contrary to, and did not involve an unreasonable application of, clearly established federal law as determined by the Supreme Court of the United States, nor was it based on an unreasonable determination of the facts in light of the evidence presented in state court. *See* 28 U.S.C. § 2254(d).

AFFIRMED.