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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>MONDER KHOURY,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 08-16393

D.C. Nos. 2:03-cv-01225-DLJ
2:99-cr-00093-DLJ

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
D. Lowell Jensen, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Federal prisoner Monder Khoury appeals from the district court’s order denying his 28 U.S.C. § 2255 habeas motion. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

Khoury contends that his trial counsel was ineffective for failing to inform

* 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).

him of the terms of a plea bargain proposed by the government. The testimony and evidence presented at the evidentiary hearing support the conclusion that counsel conveyed the terms of the plea offer to Khoury. Accordingly, the district court did not err in concluding that Khoury failed to establish that counsel's performance was deficient under *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984).

Because we determine that trial counsel's performance was not deficient, we do not reach *Strickland's* prejudice prong. See e.g., *Butcher v. Marquez*, 758 F.2d 373, 377 (9th Cir. 1985).

AFFIRMED.