

AUG 11 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOAQUIN LESO FERNANDEZ,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JAMES A. HARTLEY,</p> <p>Respondent - Appellee.</p>
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No. 10-56012

D.C. No. 5:07-cv-01665-DDP-RNB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

California state prisoner Joaquin Leso Fernandez 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).

Fernandez contends that there was insufficient evidence to sustain his conviction of second degree murder as the natural and probable consequence of the assault on the victim. We conclude that the state court's decision rejecting this claim was not contrary to or an unreasonable application of clearly established federal law. *See* 28 U.S.C. § 2254(d); *see also Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

AFFIRMED.