

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

SEP 14 2011

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

ARMONDO GIBB ORTEGA,

Petitioner - Appellant,

v.

JOHN W. HAVILAND,

Respondent - Appellee.

No. 10-16876

D.C. No. 4:09-cv-02556-CW

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Claudia A. Wilken, District Judge, Presiding

Submitted September 1, 2011\*\*  
San Francisco, California

Before: WALLACE, BERZON, and BYBEE, Circuit Judges.

California state prisoner Ortega appeals 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.

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\* 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).

Ortega contends that he was denied his Sixth Amendment right to counsel at his motion for a new trial because Ortega drafted and argued the motion with minimal assistance from counsel. Because Ortega does not show that the California Court of Appeal's determination that Ortega was represented by counsel throughout the proceedings was contrary to, or involved an unreasonable application of *United States v. Cronin*, 466 U.S. 648 (1984), the district court did not err in denying the petition. *See* 28 U.S.C. § 2254(d)(1).

**AFFIRMED.**