

DEC 23 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANUEL PRIMAS,

Petitioner-Appellant,

v.

PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent-Appellee.

No. 09-17468

D.C. No. 2:05-cv-01557-MCE-
KJM

MEMORANDUM*

Appeal from the United States District Court
for the District of Eastern California
Morrison C. England, Junior, District Judge, Presiding

Argued and Submitted September 14, 2011
San Francisco, California

Before: THOMAS and N.R. SMITH, Circuit Judges, and OLIVER, Chief District
Judge.**

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

** The Honorable Solomon Oliver, Jr., Chief District Judge for the U.S.
District Court for the Northern District of Ohio, Cleveland, sitting by designation.

California State prisoner, Manuel Primas, appeals the district court's denial of his 28 U.S.C. § 2254 habeas corpus petition challenging his jury conviction of murder and attempted robbery. Primas maintains that his conviction should be reversed because the trial court admitted his confession into evidence in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966). We review *de novo* the district court's denial of a state prisoner's habeas petition. *Barker v. Fleming*, 423 F.3d 1085, 1091 (9th Cir. 2005). We affirm.

The California Court of Appeal's decision that Primas did not unambiguously invoke his right to remain silent while being interrogated, and that his statements were uncoerced and voluntary, *Berghuis v. Thompkins*, 130 S. Ct. 2250, 2259-60 (2010), was not contrary to or an unreasonable application of clearly established federal law, nor an unreasonable determination of the facts, *see* 28 U.S.C. § 2254(d).

AFFIRMED.