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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KEVIN GLEN RIKARD,

Petitioner - Appellant,

v.

ANTHONY HEDGPETH, Warden,

Respondent - Appellee.

No. 10-15123

D.C. No. 2:07-cv-01867-JKS

MEMORANDUM*

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

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

California state prisoner Kevin Glen Rikard 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. Appellant. P. 34(a)(2).

Rikard contends that his due process rights were violated because he was not permitted to allocute at sentencing. Contrary to Rikard's contention, the state court's decision rejecting this claim was not contrary to, or an unreasonable application of, clearly established federal law, as determined by the Supreme Court in *Hill v. United States*, 368 U.S. 424, 428 (1962). *See* 28 U.S.C. § 2254(d)(1); *see also Duhaime v. Ducharme*, 200 F.3d 597, 600 (9th Cir. 2000) (“[B]ecause of the 1996 AEDPA amendments, [this court] can no longer reverse a state court decision merely because that decision conflicts with Ninth Circuit precedent on a federal Constitutional issue.”).

Rikard's motion to expand the certificate of appealability is denied because he has not made a “substantial showing of the denial of a constitutional right” as to that additional claim. *See* 28 U.S.C. § 2253(c)(2); 9th Cir. R. 22-1(e); *see also Mendez v. Small*, 298 F.3d 1154, 1158 (9th Cir. 2002) (“A state court has the last word on the interpretation of state law.”).

AFFIRMED.