

JUL 02 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>THOMAS LE'ROY HENNAGAN, Jr.,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>K. PROSPER; ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,</p> <p>Respondents - Appellees.</p>
--

No. 09-15342

D.C. No. 2:04-cv-01900-JAM

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
John A. Mendez, District Judge, Presiding

Submitted June 26, 2012\*\*

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

California state prisoner Thomas Le'Roy Hennagan, Jr., appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition challenging his 2000 conviction for vehicle theft and receiving stolen property. We have

---

\* 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).

jurisdiction under 28 U.S.C. § 2253, and we affirm.

Hennagan first contends that his trial and appellate counsel rendered ineffective assistance. The state court's rejection of this claim was not contrary to, or an unreasonable application of *Strickland v. Washington*, 466 U.S. 668, 687-97 (1984). *See* 28 U.S.C. § 2254(d)(1).

Hennagan next contends that the trial court's denial of his motion for new trial and the admission into evidence of his prior conviction for vehicle theft violated his constitutional rights. The state court's determination that Hennagan's constitutional rights were not violated was also not contrary to, or an unreasonable application of, clearly established United States Supreme Court precedent. *See* 28 U.S.C. § 2254(d)(1); *see also Estelle v. McGuire*, 502 U.S. 62, 67-70 (1991).

Last, to the extent Hennagan challenges the application of California law, such challenges are not cognizable in federal habeas proceedings. *See* 28 U.S.C. § 2254(a); *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990) (“[F]ederal habeas corpus relief does not lie for errors of state law[.]”).

Marylou Elin Hillberg's motion to withdraw as Hennagan's counsel is granted.

Hennagan's motion to substitute counsel is denied.

**AFFIRMED.**