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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAUL RAMOS, Jr.,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>MICHAEL EVANS, Warden,</p> <p>Respondent - Appellee.</p>
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No. 10-55758

D.C. No. 2:08-cv-08070-JSL-SS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
J. Spencer Letts, Senior District Judge, Presiding

Argued and Submitted November 7, 2012
Pasadena, California

Before: D.W. NELSON and O'SCANNLAIN, Circuit Judges, and SINGLETON,
Senior District Judge.**

Petitioner Raul Ramos appeals the district court's denial of his petition for
habeas corpus, brought pursuant to 28 U.S.C. § 2254. He argues that the state

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

** The Honorable James K. Singleton, Senior District Judge for the U.S.
District Court for the District of Alaska, sitting by designation.

court unreasonably applied the Supreme Court's decision in *Jackson v. Virginia*, 443 U.S. 307 (1979), in concluding that there was sufficient evidence to find that his prior offense constituted a strike under the California Three Strikes Law. We disagree. Under AEDPA, we apply the standards of *Jackson* with an additional layer of deference. *See Juan H. v. Allen*, 408 F.3d 1262, 1274 (9th Cir. 2005). Under that deferential standard, a rational trier of fact could have found that Ramos's prior conviction constituted a strike.

Ramos did not raise his claim under *Apprendi v. New Jersey*, 530 U.S. 466 (2000) in his federal habeas petition, and thus, the claim is barred under AEDPA's one-year statute of limitations. *See* 28 U.S.C. § 2244(d)(1)(A).

AFFIRMED.