NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM RENNIE, III,	No. 12-15156
Petitioner - Appellant,	D.C. No. 2:09-cv-00698-WBS-TJB
v.	
MICHAEL MARTIN,	MEMORANDUM[*]
Respondent - Appellee.	

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, Senior District Judge, Presiding

Argued and Submitted August 15, 2013
San Francisco, California

Before: REINHARDT, GRABER, and HURWITZ, Circuit Judges.

William Rennie, III, appeals the district court's denial of his 28 U.S.C. § 2254

habeas petition. We have jurisdiction under 28 U.S.C. § 1291 and affirm.

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1. The decision of the California Superior Court, rejecting Rennie's speedy trial claim, was not unreasonable. The state court applied settled federal law, recognizing that the lengthy delay here is "presumptively prejudicial," *Doggett v. United States*, 505 U.S. 647, 651-52 (1992), that the state "bears the burden of explaining pretrial delays," *McNeely v. Blanas*, 336 F.3d 822, 827 (9th Cir. 2003), and that our tolerance of the delays attributable to state "negligence varies inversely with its protractedness," *Doggett*, 505 U.S. at 657. But the California court also appropriately recognized that Rennie's belated failure to invoke his speedy trial rights formally weighs heavily against him. *See Barker v. Wingo*, 407 U.S. 514, 531-32 (1972). In light of that failure and the absence of any evidence of actual prejudice, we cannot find the superior court's decision unreasonable.

2. Rennie's ineffective assistance of counsel argument also fails. The superior court reasonably concluded that Rennie did not demonstrate "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland v. Washington*, 466 U.S. 668, 694 (1984).

AFFIRMED.