

JUL 09 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUDAN R. JONES,

Petitioner - Appellant,

v.

DEBRA DEXTER,

Respondent - Appellee.

No. 13-56527

D.C. No. 2:08-cv-00408-CBM-
PLA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, Senior District Judge, Presiding

Submitted July 7, 2015**
San Francisco, California

Before: D.W. NELSON, CANBY, and NOONAN, Circuit Judges.

Sudan Jones appeals pro se the district court’s denial of his habeas petition challenging his convictions for two counts of rape and two counts of lewd acts upon a child. Jones claims he received ineffective assistance of counsel (“IAC”)

* 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).

because his trial counsel failed to adequately investigate and present his alibi defense, discouraged him from testifying, and presented an inadequate medical defense. We have jurisdiction under 28 U.S.C. § 2253. We review de novo a district court's denial of a habeas petition, *Stanley v. Cullen*, 633 F.3d 852, 859 (9th Cir. 2011), and we affirm.

Based on a careful review of the record, we conclude Jones's counsel's performance was not constitutionally deficient. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). Even assuming Jones's counsel was deficient, Jones has not shown the result of the proceedings would have differed but for his counsel's unprofessional errors. *See id.* at 694. The evidence against Jones at trial, including the testimony of Sade M., Andrea Mosley, Samuel Mosley, Makisha Mosley, Ida Jordan, Jasmine Stiger, and Dr. Ticson, was compelling. Because "fairminded jurists could disagree," *Harrington v. Richter*, 131 S. Ct. 770, 786 (2011), as to whether Jones's counsel's alleged deficiencies "[did] not amount to *prejudicial* ineffective assistance of counsel," the California Court of Appeal reasonably rejected Jones's IAC claim. *See Strickland*, 466 U.S. at 697.

AFFIRMED.