

FEB 21 2017

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LINNA YE,

Petitioner-Appellant,

v.

DIRECTOR OF CORRECTIONS AND
REHABILITATION,

Respondent-Appellee.

No. 15-16742

D.C. No. 2:13-cv-00972-MCE

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

California state prisoner Linna Ye appeals pro se from the district court's judgment denying her habeas corpus petition under 28 U.S.C. § 2254. We have jurisdiction under 28 U.S.C. § 2253. We review a district court's denial of a

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

habeas corpus petition de novo, *see Stanley v. Cullen*, 633 F.3d 852, 859 (9th Cir. 2011), and we affirm.

Ye contends that her trial counsel rendered constitutionally ineffective assistance by failing to investigate, or introduce evidence as to, telephone records that were introduced by the government. The state court's rejection of this claim was not contrary to, or an unreasonable application of, *Strickland v. Washington*, 466 U.S. 668 (1984), nor an unreasonable determination of the facts in light of the evidence presented in state court. *See* 28 U.S.C. § 2254(d); *Harrington v. Richter*, 562 U.S. 86, 101-03 (2011).

We treat Ye's additional argument as a motion to expand the certificate of appealability and deny the motion. *See* 9th Cir. R. 22-1(e); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999).

AFFIRMED.