

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 5 2020

FOR THE NINTH CIRCUIT

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

LAZARIS FULLER,

Petitioner-Appellant,

v.

W. L. MUNIZ,

Respondent-Appellee.

No. 19-16409

D.C. No. 4:18-cv-06379-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted June 2, 2020**

Before: LEAVY, PAEZ, and BENNETT, Circuit Judges.

California state prisoner Lazaris Fuller appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas corpus petition. We have jurisdiction under 28 U.S.C. § 2253. Reviewing de novo, *see Smith v. Ryan*, 823 F.3d 1270, 1278 (9th Cir. 2016), we affirm.

* 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).

Fuller contends that the trial court did not make an adequate finding that there was no purposeful discriminatory intent when it overruled defense objections to two peremptory strikes of jurors by the prosecution. But the state appellate court reasonably concluded that the trial court, after examining both the defense objections and the prosecution's proffered race-neutral reasoning, adequately "assess[ed] the plausibility of that reason in light of all evidence with a bearing on it," *see Miller-El v. Dretke*, 545 U.S. 231, 252 (2005), and conclusively found that the defense had not carried its burden. The state court's rejection of Fuller's claim, therefore, was neither contrary to, nor an unreasonable application of, *Batson v. Kentucky*, 476 U.S. 79 (1986). *See* 28 U.S.C. § 2254(d)(1). Nor does the record reflect any "unreasonable determination of the facts in light of the evidence presented in the State court proceeding." 28 U.S.C. § 2254(d)(2).

AFFIRMED.