

FILED

APR 16 2021

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS AMEZCUA,

Petitioner-Appellant,

v.

JOE A. LIZARRAGA, Warden; XAVIER
BECERRA,

Respondents-Appellees.

No. 19-55910

D.C. No.

3:18-cv-01317-GPC-MSB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gonzalo P. Curiel, District Judge, Presiding

Submitted April 14, 2021**
Pasadena, California

Before: M. SMITH and IKUTA, Circuit Judges, and STEELE,** District Judge.

* 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).

*** The Honorable John E. Steele, United States District Judge for the Middle District of Florida, sitting by designation.

California prisoner Carlos Amezcua appeals the district court's denial of his habeas petition under 28 U.S.C. § 2254. We have jurisdiction pursuant to § 2253(a) and affirm.

Because “a state court’s interpretation of state law, including one announced on direct appeal of the challenged conviction, binds a federal court sitting in habeas corpus,” *Bradshaw v. Richey*, 546 U.S. 74, 76 (2005) (per curiam), we are bound by the California Court of Appeal’s conclusion that Amezcua’s extrajudicial statements to the police were admissible at trial under California’s corpus delicti rule. Therefore, the California Court of Appeal’s rejection of Amezcua’s claim that there was insufficient evidence to uphold his convictions for counts 7, 9 and 10 was not contrary to *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

AFFIRMED.