

NOT FOR PUBLICATION

APR 3 2023

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

BRUCE WANZO, Jr.,

Petitioner-Appellant,

v.

CHRISTIAN PFEIFFER, Warden,

Respondent-Appellee.

No. 20-56072

D.C. No.

2:19-cv-05764-JLS-SP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted March 30, 2023**
San Francisco, California

Before: McKEOWN, GOULD, and IKUTA, Circuit Judges.

Bruce Wanzo, Jr. appeals from the district court's judgment dismissing his petition for a writ of habeas corpus on the ground that it was untimely pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U.S.C.

* 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).

§ 2244(d)(1). We have jurisdiction under 28 U.S.C. §§ 1291 and 2253, and we affirm.

Wanzo does not contest the district court's dismissal of his claims challenging his 1990 conviction as untimely and has therefore forfeited any objection to the dismissal of those claims. *See Miller v. Fairchild Indus., Inc.*, 797 F.2d 727, 738 (9th Cir. 1986).

Wanzo failed to raise any constitutional challenge to the Los Angeles County Superior Court's 2019 denial of his request for resentencing under former section 1170.95 of the California Penal Code¹ in his federal habeas petition. Nor did he raise any such challenge in response to a show cause order of the magistrate judge, in his objections to the magistrate judge's report and recommendation, or in his motion for a Certificate of Appealability (COA). Therefore, Wanzo has forfeited any such challenge, and we affirm on that basis. *See White v. Klitzkie*, 281 F.3d 920, 921–22 (9th Cir. 2002). We deny as moot Wanzo's motion for judicial notice of his state court records, Dkt 25.

AFFIRMED.

¹ The statute was renumbered as section 1172.6 of the California Penal Code.