

SEP 22 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JARVIS GILBERT,

Petitioner - Appellant,

v.

PEOPLE OF THE STATE OF
CALIFORNIA and MICHAEL
MCDONALD, Warden, High Desert State
Prison,

Respondents - Appellees.

No. 09-16711

D.C. No. 3:07-cv-05987-THE

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Thelton E. Henderson, Senior District Judge, Presiding

Argued and Submitted September 14, 2010
San Francisco, California

Before: WALLACE and THOMAS, Circuit Judges, and MILLS, Senior District
Judge.**

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Richard Mills, Senior District Judge for the Central
District of Illinois, sitting by designation.

Jarvis Gilbert, a California state prisoner, appeals the district court's denial of his 28 U.S.C. § 2254 habeas corpus petition. After reviewing the briefs and the record, and considering the oral arguments of counsel, we affirm the judgment of the district court for the reasons given in Judge Henderson's thorough opinion of May 22, 2009.

AFFIRMED.