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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MEROLANDO N. WARREN,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>TONY HEDGPETH, Warden,</p> <p>Respondent - Appellee.</p>
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No. 13-15056

D.C. No. 4:08-cv-00754-PJH

MEMORANDUM\*

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

Submitted May 13, 2014\*\*

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

California state prisoner Merolando N. Warren 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. We review a district court’s denial of a

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

Warren contends that the prosecutor's use of peremptory challenges to excuse four African-American female jurors violated *Batson v. Kentucky*, 476 U.S. 79 (1986). The state court's conclusion that the peremptory strikes were not motivated by purposeful discrimination was not contrary to, or an unreasonable application of, clearly established federal law, nor was it based on an unreasonable determination of the facts in light of the evidence presented in state court. *See* 28 U.S.C. § 2254(d); *Felkner v. Jackson*, 131 S. Ct. 1305, 1307 (2011) (per curiam).

We construe Warren's additional arguments as a motion to expand the certificate of appealability. So construed, the motion is denied. *See* 9th Cir. R. 22-1(e); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

**AFFIRMED.**