

FILED

JUN 23 2017

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHONY REED,

Petitioner-Appellant,

v.

BRIAN WILLIAMS, Sr. and ATTORNEY
GENERAL OF THE STATE OF
NEVADA,

Respondents-Appellees.

No. 15-17490

D.C. No.

2:14-cv-00027-JAD-CWH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Jennifer A. Dorsey, District Judge, Presiding

Argued and Submitted June 16, 2017
San Francisco, California

Before: SCHROEDER, FISHER,** and N.R. SMITH, Circuit Judges.

Anthony Reed appeals the district court's denial of his 28 U.S.C. § 2254
federal habeas petition. We affirm.

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The Honorable D. Michael Fisher, United States Circuit Judge for the
U.S. Court of Appeals for the Third Circuit, sitting by designation.

The state court's determination that Reed's counselors were not constitutionally ineffective for failing to object to juror misconduct did not "result[] in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." 28 U.S.C. § 2254(d)(1). There is no evidence that juror number 244 engaged in misconduct. Thus, there were no legitimate grounds upon which Reed's defense counselors could have objected. Thus, their decision not to object to did not fall "below an objective standard of reasonableness." *Strickland v. Washington*, 466 U.S. 668, 688 (1984). The remainder of Reed's arguments are not properly before us, because Reed raised them for the first time on appeal. *See United States v. Carlson*, 900 F.2d 1346, 1349 (9th Cir. 1990).

AFFIRMED.