

MAR 16 2017

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KURT LEPPING,

Petitioner-Appellant,

v.

DEAN WILLIAMS, Commissioner,
Alaska Department of Corrections,

Respondent-Appellee.

No. 16-35369

D.C. No. 3:14-cv-00227-RRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, District Judge, Presiding

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Alaska state prisoner Kurt Lepping appeals 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

* 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).

habeas corpus petition de novo, *see Stanley v. Cullen*, 633 F.3d 852, 859 (9th Cir. 2011), and we affirm.

Lepping contends that the state trial court deprived him of due process when it denied his motion for a continuance of his jury trial on charges of numerous Alaska fish and game violations. The Alaska state court's rejection of his claim 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); *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964) (trial courts have broad discretion on matters of continuances, and only a "myopic insistence upon expeditiousness in the face of a justifiable request for delay" is constitutionally impermissible).

AFFIRMED.