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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN P. WINDFELDT,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>CHARLES L. RYAN, et al.,</p> <p>Respondents - Appellees.</p>
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No. 08-17399

D.C. No. 2:06-cv-01701-EHC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Earl H. Carroll, District Judge, Presiding

Submitted May 15, 2012\*\*

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Arizona state prisoner John P. Windfeldt appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

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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. Appellant. P. 34(a)(2). Accordingly, Windfeldt's request for oral argument is denied.

Windfeldt contends that he was denied his Sixth Amendment right to the effective assistance of counsel during plea negotiations because counsel failed to adequately advise him of all the mental states included in the second-degree murder charge. The state court's conclusion that Windfeldt did not show a reasonable probability that, but for counsel's deficient performance, he would have accepted the plea offer, was neither contrary to, nor 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 the state court proceedings. *See* 28 U.S.C. § 2254(d); *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985).

Windfeldt's requests for transcripts are denied.

**AFFIRMED.**