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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MOHAMMED ABEDI,

Petitioner - Appellant,

v.

RANDY GROUNDS, Warden,

Respondent - Appellee.

No. 11-18010

D.C. No. 2:10-cv-03184-JAM-DAD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted October 25, 2012**

Before: HUG, FARRIS, and LEAVY, Circuit Judges.

California state prisoner Mohammed Abedi appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition as procedurally defaulted. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

* 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).

We agree with the district court that the claims raised in Abedi's section 2254 petition are procedurally defaulted. *See Walker v. Martin*, 131 S. Ct. 1120, 1124-28 (2011) (holding that California's *In re Robbins*, 18 Cal. 4th 770, 780 (1998), rule constitutes an independent and adequate state procedural bar to federal habeas review, despite discretionary application). Moreover, Abedi has not demonstrated cause and prejudice to excuse the default, nor that a fundamental miscarriage of justice will result if his claims are not considered on the merits. *See Coleman v. Thompson*, 501 U.S. 722, 750-51 (1991).

AFFIRMED.