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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TREANDOUS A. COTTON,

Petitioner - Appellant,

v.

WILLIAM MUNIZ, Warden,

Respondent - Appellee.

No. 14-16353

D.C. No. 3:13-cv-01239-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William H. Alsup, District Judge, Presiding

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

California state prisoner Treandous A. Cotton appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28 U.S.C. § 2253. We review de novo the district court's decision to deny a habeas petition, *see Murdaugh v. Ryan*, 724 F.3d 1104, 1113

* 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)*.

(9th Cir. 2013), and we affirm.

Cotton contends that insufficient evidence supported his prison disciplinary rule violation for possession of an inmate-manufactured weapon. The state court's finding that "some evidence" supported the violation was neither contrary to, nor an unreasonable application of, *Superintendent v. Hill*, 472 U.S. 445, 455-56 (1985). *See* 28 U.S.C. § 2254(d)(1). The evidence indicated that the weapon was located under the mattress directly above Cotton's bunk, where it was readily accessible. The confined nature of the cell made it reasonable to determine that Cotton had knowledge of the weapon's presence, despite his cellmate's suggestion otherwise. For the same reasons, we disagree with Cotton's claim that the state court's decision was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding. *See* 28 U.S.C. § 2254(d)(2).

AFFIRMED.