

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 10a0103n.06

No. 08-1587

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

MARIO HENDERSON,

Petitioner-Appellant,

v.

KURT JONES, Warden,

Respondent-Appellee.

FILED
Feb 17, 2010
LEONARD GREEN, Clerk

**ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN**

_____ /

BEFORE: NORRIS, CLAY, and SUTTON, Circuit Judges.

PER CURIAM. Petitioner Mario Henderson appeals the district court's denial of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Henderson was convicted of felony murder, second degree murder, assault with intent to do great bodily harm less than murder, assault with intent to rob being armed, and felony firearm after the shooting death of Anthony Capers and the gunshot injuries of Cecil Brewington during an attempted drug-related robbery. On appeal, Henderson raises three grounds for relief: (1) that he was denied due process of law when the State used perjured testimony at trial that led to his conviction and a newly discovered witness provided evidence establishing prejudice to his right to a fair trial; (2) that he was denied due process of law because there was insufficient evidence to sustain the verdict; and (3) that he was denied a fair trial by the prosecutor's improper remarks during voir dire and closing arguments.

We review the district court's dismissal of a petition brought pursuant to 28 U.S.C. § 2254 *de novo*, but we review the district court's underlying actual findings for clear error. *Thompson v. Bell*, 580 F.3d 423, 433 (6th Cir. 2009) (citing *White v. Mitchell*, 431 F.3d 517, 524 (6th Cir. 2005)).

After having the benefit of oral argument and carefully considering the record on appeal, the briefs of the parties, and the relevant law, we are not persuaded that the district court erred in denying Henderson's habeas petition. Because the district court has thoroughly articulated the reasoning that supports the denial of Henderson's habeas petition, the issuance of a detailed written opinion by this Court would be duplicative and serve no useful purpose.

Accordingly, we **AFFIRM** the judgment of the district court upon the reasoning set out by that court in its opinion and order filed on April 14, 2008.