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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALBERT INSUA,

Petitioner - Appellant,

v.

J. McDONALD,

Respondent - Appellee.

No. 07-35705

D.C. No. CV-05-00131-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Montana State prisoner Albert Insua appeals from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction pursuant to 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).

Insua contends that the trial court violated his Sixth Amendment right to counsel by failing to adequately explain the dangers of self-representation. The record demonstrates that Insua understood the dangers of self-representation, and therefore the Montana Supreme Court's decision rejecting this claim was neither contrary to, nor an unreasonable application of, clearly established federal law, nor was it an unreasonable determination of the facts in light of the evidence. *See* 28 U.S.C. § 2254(d)(1), (2); *United States v. Gerritsen*, 571 F.3d 1001, 1012-13 (9th Cir. 2009); *see also Faretta v. California*, 422 U.S. 806, 835-36 (1975).

Insua's request for judicial notice is granted. *See* Fed. R. Evid. 201.

AFFIRMED.