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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RODNEY BROOKS,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>J. W. FAIRMAN, Jr.,</p> <p>Respondent - Appellee.</p>

No. 06-55108

D.C. No. CV-99-00235-GHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

California state prisoner Rodney Brooks appeals pro se from the district court's denial of his 28 U.S.C. § 2254 petition, which challenged his jury-trial

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

conviction for second-degree murder and assault with a firearm. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Brooks contends that the trial court erred, under *Faretta v. California*, 422 U.S. 806 (1975), by denying his two requests for self-representation because the requests were timely and were not made for the purpose of delay. We conclude that the California Court of Appeal's rejection of Brooks's *Faretta* claims was not contrary to, or an unreasonable application of, clearly established Supreme Court law, and was not based on an unreasonable determination of the facts. *See* 28 U.S.C. § 2254(d)(1)-(2); *see also Faretta*, 422 U.S. at 835-36; *Marshall v. Taylor*, 395 F.3d 1058, 1060-62 (9th Cir. 2005); *Hirschfield v. Payne*, 420 F.3d 922, 927 (9th Cir. 2005).

AFFIRMED.