

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 09-1461

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Danny Lockett,

Appellant,

v.

United States of America,

Appellee.

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\* Appeal from the United States

\* District Court for the

\* Eastern District of Arkansas.

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\* [UNPUBLISHED]

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Submitted: September 25, 2009

Filed: October 8, 2009

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Before MURPHY, BYE, and BENTON, Circuit Judges.

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PER CURIAM.

Danny Lockett appeals the district court's<sup>1</sup> denial of his 28 U.S.C. § 2255 motion following this court's remand for further proceedings, see United States v. Lockett, 303 Fed. Appx. 373, 374 (8th Cir. 2008) (unpublished per curiam). After denying Lockett relief, the district court granted him a certificate of appealability on his claim that his trial counsel had been ineffective during plea negotiations. Following our careful review of the record, the briefs, and the applicable law, we conclude that the district court did not err in relying on record documents to support

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<sup>1</sup>The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas.

its findings of fact, see Chandler v. United States, 378 F.2d 906, 909-10 (9th Cir. 1967) (district court can take judicial notice of its own records, even if court records are not actually brought before judge who is asked to take such judicial notice), and we further conclude that the district court did not clearly err in its relevant findings of fact, see United States v. Robinson, 301 F.3d 923, 925 (8th Cir. 2002) (claims of ineffective assistance of counsel are mixed questions of law and fact; this court reviews district court's legal determination de novo, and its underlying findings of fact for clear error). Accordingly, we find no basis for reversing the district court's denial of Lockett's section 2255 motion, and we affirm. See 8th Cir. R. 47B.

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