

FEB 15 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DARRELL L. EPINOSA; et al.,

Plaintiffs - Appellants,

v.

SCOTT MARSHALL; et al.,

Defendants - Appellees.

No. 07-16300

D.C. No. CV-06-01192-MCE

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, District Judge, Presiding

Submitted February 11, 2008**

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

This is an appeal from the district court's June 14, 2007 order dismissing appellant's complaint with prejudice.

Appellees' request for judicial notice is granted.

* 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).

07-16300

We have received and reviewed “Appellant’s Compliance with Order of November 16, 2007 Re; [sic] Order to Show Cause”, as well as appellees’ response and appellant’s reply. A review of the record, the opening brief, and the responses to the order to show cause indicate that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court’s judgment.

All pending motions are denied as moot.

AFFIRMED.