

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 24 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARY MILLER HALL; et al.,

Plaintiffs - Appellants,

v.

DARYL MILLER; et al.,

Defendants - Appellees.

No. 08-15307

D.C. No. CV-07-00341-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted July 14, 2008**

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

* 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).

A review of the record and the opening brief indicates 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).

Appellants' complaint for damages in this case is essentially identical to the earlier complaint filed in case No. 4:06-CV-00525-GLF. Because appellants' claims have been adjudicated and a final judgment on the merits has been previously reached, appellants' claims are barred by *res judicata*. *See, e.g., Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 398 (1981); *In re Jensen*, 980 F.2d 1254, 1256 (9th Cir. 1992).

Accordingly, appellees' joint motion for summary affirmance of the district court's judgment is granted.

All pending motions are denied as moot.

AFFIRMED.