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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>FRANK R. GOLDSMITH,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>STATE OF WASHINGTON,</p> <p>Respondent - Appellee.</p> |
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No. 07-35516

D.C. No. CV-07-00179-JLQ

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Justin L. Quackenbush, District Judge, Presiding

Submitted March 28, 2008**

Before: PREGERSON, THOMAS and W. FLETCHER, Circuit Judges.

On December 27, 2007, this court concluded that, to the extent a certificate of appealability is required in this appeal, the request for a certificate of appealability is denied. By same order, this court determined that, to the extent a certificate of appealability is unnecessary in this case because appellant is a state

* 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).

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pretrial detainee, *see McNeely v. Blanas*, 336 F.3d 822, 832 n.10 (9th Cir. 2003), appellant shall show cause as to why the district court's June 7, 2007, judgment should not be summarily affirmed.

A review of appellant's response to the order to show cause 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).

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

AFFIRMED.