

JUN 18 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PAUL A. HARPER,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>RONALD M. WHYTE, U.S. District Court Judge,</p> <p style="text-align: center;">Defendant - Appellee.</p>
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No. 08-15297

D.C. No. CV-08-00298-SI

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
Susan Yvonne Illston, District Judge, Presiding

Submitted June 9, 2008**

Before: REINHARDT, BERZON, and M. SMITH, Circuit Judges.

A review of the record, the opening brief, and appellant’s response to the order to show cause indicates that the questions raised in this appeal are so

* 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).

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 dismissing the complaint without leave to amend.

All pending motions are denied.

AFFIRMED.