FILED

DEC 09 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KANE PATTERSON, Petitioner - Appellant, v. BOARD OF PAROLE COMMISSIONERS, Respondent - Appellee.	No. 08-15562 D.C. No. 2:08-cv-97-PMP MEMORANDUM[*]

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted December 1, 2008[**]

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

A review of the record and appellant's response to the order to show cause indicates that the questions raised in this appeal are so insubstantial as not to

---

[*] 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).

CP/MOATT

require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court properly concluded it lacked jurisdiction to consider appellant's petition for writ of mandamus against Nevada state officials. *See* 28 U.S.C. § 1361 (federal district court has jurisdiction over mandamus action only to compel actions of officers of the United States).

Appellant's request to hold this appeal in abeyance pending his future filing of a 42 U.S.C. § 1983 action is denied. All other pending motions or requests are denied as moot.

We summarily affirm the district court's judgment.

AFFIRMED.