

DEC 10 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRED A. WHITAKER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ALAMEDA COUNTY SUPERIOR COURT; et al.,</p> <p>Defendants - Appellees.</p>
---

No. 08-16876

D.C. No. 3:08-cv-01618-PJH

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Phyllis J. Hamilton, 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 court's 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).

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 and the order denying appellant's motion for reconsideration.

Appellant's request for oral argument is denied.

**AFFIRMED.**