

DEC 15 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHONY JAMES MARTINI; et al.,

Plaintiffs - Appellants,

v.

UNITED STATES DEPARTMENT OF
JUSTICE; et al.,

Defendants - Appellees.

No. 08-56501

D.C. No. 8:07-cv-01395-DOC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted December 1, 2008**

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

A review of the record and appellants' response to this 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). Indeed, we find this appeal frivolous.

Accordingly, we summarily affirm the district court's order dismissing the action without prejudice.

AFFIRMED.