

JAN 27 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN PHILLIPS,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>CITY OF OAKLAND, CALIFORNIA; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 08-16498

D.C. No. 4:07-cv-03885-CW

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted January 20, 2009**

Before: O’SCANNLAIN, SILVERMAN and BYBEE, Circuit Judges.

Upon review of the record and appellant’s response to this court’s order to show cause, this court hereby summarily affirms the district court’s final judgment.

* 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).

See United States v. Hooton, 693 F.2d 857 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record).

AFFIRMED.