NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 26 2009

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

KENNETH M. MILLER, Plaintiff - Appellant, v. LOMA-SABINO PINES HOMEOWNERS ASSOCIATION INC.; et al., Defendants - Appellees.	No. 07-17018 D.C. No. CV-06-00570-FRZ MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Kenneth M. Miller appeals pro se from the district court's judgment in favor

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* 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). Accordingly, appellant's request for oral argument is denied.

JS/Research

of defendants in his action arising out of a dispute concerning access to his property. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Intri-Plex Techs., Inc. v. Crest Group, Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007). We affirm.

The district court properly dismissed the claims against Pima County concerning the alleged denial of access to Miller's property because this lawsuit involves the same cause of action that was litigated in a prior state court action between the same parties, and the prior action concluded in a final judgment on the merits. *See Sunkist Growers, Inc. v. Fisher*, 104 F.3d 280, 283 (9th Cir. 1997) (explaining that state law determines the preclusive effect of state court judgments in federal court, and describing res judicata under Arizona law). Miller did not raise any contentions regarding his constitutional claims against Pima County or his claims against the other defendants, and thus we deem those claims abandoned. *See Cook v. Schriro*, 538 F.3d 1000, 1014 n.5 (9th Cir. 2008).

The district court did not abuse its discretion by ruling on defendants' motions without directing Miller to file oppositions and without hearing oral argument. *See* Ariz. Civ. R. 7.2(c), 56.1(d) (providing deadlines to file oppositions to motions unless otherwise ordered by the district court); *Bias v. Moynihan*, 508 F.3d 1212, 1223 (9th Cir. 2007) (explaining that the district court has broad

discretion in interpreting local rules and managing motion practice); *Spradlin v. Lear Siegler Mgmt. Servs. Co.*, 926 F.2d 865, 867, 869 (9th Cir. 1991) (concluding that the district court did not abuse its discretion by denying oral argument because party failed to demonstrate prejudice from the denial).

Miller's remaining contentions are unpersuasive.

Miller's "Motion to Adjourn to Address Issues Arising from Review of the Certificate of the Record" is denied.

AFFIRMED.