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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>KEVIN LYNN FERNANDEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>STATE OF NEVADA; et al.,</p> <p>Defendants - Appellees.</p> |
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No. 08-15947

D.C. No. 3:06-CV-00628-LRH-
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MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Kevin Lynn Fernandez, a Nevada state prisoner, appeals pro se from the district court's order denying his motion for leave to proceed using a pseudonym.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Accordingly, Fernandez's request for oral argument is denied.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Does I Thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1069 (9th Cir. 2000). We affirm.

The district court did not abuse its discretion by denying leave to proceed using a pseudonym because there were no special or unusual circumstances that justified protection of Fernandez's identity. *See United States v. Stoterau*, 524 F.3d 988, 1012-14 (9th Cir. 2008) (rejecting a request for a pseudonym based on the nature of the prisoner's conviction as a sex offender "because this concern is equally present for all similarly situated sex offenders who face prison sentences," and questioning the value of pseudonymity where the prisoner's conviction was a matter of public record and many of the documents were not submitted under seal).

AFFIRMED.