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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY S. TIFT,

Plaintiff - Appellant,

v.

MICHAEL D. BALL, and his marital
community if any; et al.,

Defendants - Appellees.

No. 08-35110

D.C. No. CV-07-00276-RSM

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted December 15, 2009**

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

Gregory S. Tift appeals pro se from the district court's judgment dismissing

* 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, Tift's request for oral argument is denied.

his action brought under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968, as barred by the doctrine of res judicata. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005). We affirm.

The district court properly dismissed the action as barred by the doctrine of res judicata because Tift has already litigated his claims of false representation and improper service in a prior federal action between the parties and their privies. *See Employee Painters' Trust v. Ethan Enters., Inc.*, 480 F.3d 993 (9th Cir. 2007); *see also Mpoyo*, 430 F.3d at 987 (setting forth elements of res judicata).

AFFIRMED.