

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 08 2010

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

JIMMIE HAROLD CAUDLE, JR.,

Plaintiff - Appellant,

v.

BONNEVILLE COUNTY; et al.,

Defendants - Appellees.

No. 08-35929

D.C. No. 4:06-CV-00188-BLW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
B. Lynn Winmill, Chief District Judge, Presiding

Submitted December 15, 2009\*\*

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

Jimmie Harold Caudle, Jr., appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising

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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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

from two alleged incidents of assault, battery, unlawful arrest, and malicious prosecution as barred by the doctrine of res judicata. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002). We affirm.

The district court properly dismissed the action as barred by the doctrine of res judicata because Caudle has already litigated his claims against defendants and their privies in state court. *See Caudle v. Bonneville County*, No. CV-2006-1464, slip op. at 8 (Idaho Dist. Ct. Apr. 25, 2007); *Caudle v. Bonneville County*, No. CV-2006-2581, slip op. at 5 (Idaho Dist. Ct. Sept. 27, 2007); *Caudle v. Bonneville County*, No. CV-2007-3068, slip op. at 6 (Idaho Dist. Ct. Jan. 25, 2008); *see also Ticor Title Co. v. Stanion*, 157 P.3d 613, 618 (Idaho 2007) (describing elements of res judicata under Idaho law).

Caudle's remaining contentions are unpersuasive.

Appellees' request for attorney's fees and costs on appeal is denied.

**AFFIRMED.**