

JAN 25 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT G. LESLIE, AKA Robert Gwen
Leslie; et al.,

Plaintiffs - Appellants,

v.

CARLA KOGACHI, Individually; et al.,

Defendants - Appellees,

No. 08-56969

D.C. No. 2:08-cv-04556-R-VBK

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Robert G. Leslie and Marilyn Beverly Leslie appeal pro se from the district court's judgment dismissing their action. We have jurisdiction under 28 U.S.C.

* 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).

§ 1291. We review de novo, *Hodge v. Dalton*, 107 F.3d 705, 707 (9th Cir. 1997), and we affirm.

The district court properly dismissed the Leslies' action as barred by the doctrine of sovereign immunity. *See id.* (explaining that sovereign immunity applies to federal employees acting within their official capacity and to the United States, and bars suit unless waiver of immunity is unequivocally expressed).

The Leslies' remaining contentions are unpersuasive.

Appellees' motion to appear is granted. The Clerk shall file the answering brief lodged on June 23, 2009 and the reply brief lodged on July 23, 2009.

AFFIRMED.