

FEB 05 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGE KENNETH COLBERT,

Plaintiff - Appellant,

v.

A. AUDETTE; H. BATES; B
HURLBERT; L WOLCOTT,

Defendants - Appellees.

No. 08-16797

D.C. No. 2:06-cv-01890-GEB-
KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, District Judge, Presiding

Submitted January 20, 2010**
San Francisco, California

Before: HUG, SKOPII and BEEZER, Circuit Judges.

George Colbert appeals from the district court's entry of judgment following a jury verdict in his 42 U.S.C. § 1983 suit. Colbert argues that the district court made several improper evidentiary rulings and that it exceeded its legal authority.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

We have jurisdiction under 28 U.S.C. § 1291. We affirm.

The facts of this case are known to the parties. We do not repeat them.

Colbert failed to preserve his appeal rights regarding the district court's exclusion of evidence because he does not demonstrate that he made an offer of proof at trial. See Tennison v. Circus Circus Enters., Inc., 244 F.3d 684, 689 (9th Cir. 2001). Colbert also fails to demonstrate how the exclusion of his exhibits was prejudicial. See McEuin v. Crown Equipment Corp., 328 F.3d 1028, 1034 (9th Cir. 2003).

Colbert's remaining contentions are waived because he does not support them with any analysis, argument, evidence or citation to any legal authority. See Kohler v. Inter-Tel Techs., 244 F.3d 1167, 1182 (9th Cir. 2001).

AFFIRMED.