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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PAUL LANAKILA CAMPOS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 08-16442

D.C. No. 1:06-cv-00526-HC-KSC

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Helen Gillmor, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Paul Lanakila Campos appeals pro se from the district court's summary judgment for defendant in his Federal Tort Claims Act action arising from a slip

* 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).

and fall injury. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Bolt v. United States*, 509 F.3d 1028, 1031 (9th Cir. 2007). We affirm.

The district court properly granted summary judgment for defendant because Campos failed to raise a genuine issue of material fact as to whether defendant had notice of an unsafe condition or defect. *See id.* (“Even when the injury occurs on federal property, the finding of negligence must be based upon state law.”) (citation and internal quotation marks omitted); *Harris v. State*, 623 P.2d 446, 448 (Haw. 1981) (explaining that negligence liability cannot be imposed where there is no actual or constructive notice of the unsafe condition or defect).

We do not consider evidence raised for the first time on appeal. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) (“Documents or facts not presented to the district court are not part of the record on appeal.”).

Campos’s remaining contentions are unpersuasive.

AFFIRMED.