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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARSHALL EDWIN HOME,

Plaintiff - Appellant,

v.

QUINTON MEHR, Arizona Department
of Public Safety; et al.,

Defendants - Appellees.

No. 08-16916

D.C. No. 4:08-cv-00222-FRZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Marshall Edwin Home appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging RICO and constitutional violations

* 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).

stemming from the requirement that he obtain a driver's license in order to operate a motor vehicle on public roads. We have jurisdiction under 28 U.S.C. § 1291.

We review de novo a dismissal based on res judicata. *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002). We affirm.

The district court properly dismissed this action because Home's claims are identical to those he raised in a prior state court action that resulted in a judgment on the merits in favor of defendants. *See Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1077 (9th Cir. 2003) (explaining that "res judicata is applicable whenever there is (1) an identity of claims, (2) a final judgment on the merits, and (3) privity between parties.") (citation omitted). We also affirm on the other grounds stated by the district court.

Home's remaining contentions are unpersuasive.

Home's requests for judicial notice are denied.

AFFIRMED.