

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 20 2010

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

ROGER D. HALL,

Plaintiff - Appellant,

v.

JOHN G. KORESKE, Business Manager
Department of Corrections,

Defendant - Appellee.

No. 08-35582

D.C. No. 3:08-CV-00262-HU

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Roger D. Hall, an Oregon state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action seeking a writ of mandamus to halt the ongoing garnishment of his prison trust account and to

* 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).

recover funds already garnished. 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 Hall has already litigated his claims arising out of the garnishment of his prison trust account. *See Hall v. Hill*, No. 3:04-cv-01752-AS, slip op. at 2 (D. Or. Nov. 21, 2005), *aff'd*, 225 F. App'x 595 (9th Cir. 2007); *see also Stewart*, 297 F.3d at 956 (describing elements of res judicata).

Appellee's motion for leave to appear and for briefing schedule is denied as moot.

AFFIRMED.