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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTHUR DUANE JACKSON,

Plaintiff - Appellant,

v.

J. P. GONZALEZ, Associate Warden; et
al.,

Defendants - Appellees.

No. 09-56157

D.C. No. 3:05-cv-00513-L-NLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
M. James Lorenz, District Judge, Presiding

Submitted November 16, 2010 **

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Arthur Duane Jackson, a California state prisoner, appeals pro se from the district court's summary judgment dismissing his 42 U.S.C. § 1983 action alleging denial of access to courts. We have jurisdiction under 28 U.S.C. § 1291. We may

* 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).

affirm on any grounds supported by the record. *Atel Fin. Corp. v. Quaker Coal Co.*, 321 F.3d 924, 926 (9th Cir. 2003) (per curiam). We review de novo, *Midwaters Trawlers Coop. v. Dep't of Commerce*, 393 F.3d 994, 1002 (9th Cir. 2004), and we affirm.

The only issue open on remand was whether Jackson was unable to bring a claim in state court because defendants allegedly denied him access to some of his legal materials. Jackson has not raised this issue on appeal, and thus it is waived.

See McKay v. Ingleson, 558 F.3d 888, 981 n.5 (2009).

Jackson's remaining contentions are unpersuasive.

AFFIRMED.