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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SCOTT MALCOMSON, Plaintiff - Appellant, v. TOPPS, INC., Defendant - Appellee.	No. 10-15540 D.C. No. 2:08-cv-02306-GMS MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted November 21, 2011**

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

Scott Malcomson appeals pro se from the district court's summary judgment in his action alleging joint ownership of a copyright under 17 U.S.C. §§ 101 et seq. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the grant of summary judgment, *Aalmuhammed v. Lee*, 202 F.3d 1227, 1230 (9th Cir. 2000),

* 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 for an abuse of discretion the denial of reconsideration, *Zimmerman v. City of Oakland*, 255 F.3d 734, 737 (9th Cir. 2001). We affirm.

The district court properly granted summary judgment because Malcomson failed to raise a genuine dispute of material fact as to whether his periodic written contributions to a small portion of a popular science fiction gaming franchise satisfied the test for joint ownership of the entire work. *See Aalmuhammed*, 202 F.3d at 1234 (listing factors to determine whether a work is jointly authored in the absence of a contract for purposes of a copyright claim of joint ownership).

The district court did not abuse its discretion in denying reconsideration because Malcomson failed to establish that it committed "clear error" or made a decision that was "manifestly unjust." *Zimmerman*, 255 F.3d at 740.

Malcomson's remaining contentions are unpersuasive.

We decline to consider arguments raised for the first time on appeal. *See MacDonald v. Grace Church Seattle*, 457 F.3d 1079, 1086 (9th Cir. 2006).

AFFIRMED.