

JAN 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: JAMES BYRON HOLCOMB,
JAMES BYRON HOLCOMB,
Respondent - Appellant.

No. 10-35796

D.C. Nos. 2:07-rd-0001-RSL;
3:10-mc-05020

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, Chief Judge, Presiding

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

James Byron Holcomb appeals pro se from the district court’s order imposing reciprocal discipline on him based on Holcomb’s suspension from the practice of law by the Washington Supreme Court. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *In re Corrinet*, 645 F.3d

* 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).

1141, 1145 (9th Cir. 2011), and we affirm.

The district court did not abuse its discretion in imposing reciprocal discipline against Holcomb because he failed to establish by clear and convincing evidence that he was deprived of due process; that there was insufficient proof of the misconduct that resulted in his stipulated suspension from the state bar; or that grave injustice would result from the imposition of reciprocal discipline. *See In re Kramer*, 282 F.3d 721, 724 (9th Cir. 2002) (listing limited grounds for an attorney subject to discipline by another court to avoid a federal court's imposition of reciprocal discipline, and setting forth attorney's burden); *see also In re Rosenthal*, 854 F.2d 1187, 1188 (9th Cir. 1988) (per curiam) (state court disciplinary findings are entitled to a presumption of correctness absent a showing of error).

Holcomb's remaining contentions, including those concerning reciprocal discipline being barred by res judicata or collateral estoppel, are unpersuasive.

AFFIRMED.