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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. ROBERT JOHN COLLINS, Defendant - Appellant.	No. 10-16409 D.C. Nos. 3:98-cv-00114-LRH 3:95-cr-00035-LRH MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Federal prisoner Robert John Collins appeals pro se from the district court's denial of his motion seeking the disclosure of DNA test results under 42 U.S.C. § 14132(b)(3)(C), and new DNA testing under 18 U.S.C. § 3600. We have

* 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).

jurisdiction under 28 U.S.C. § 1291, and we affirm.

The district court ruled that there is no private right of action under section 14132 to obtain DNA evidence, and that Collins was not entitled to new DNA testing because he failed to meet the statutory requirements of section 3600. On appeal, Collins fails to argue that there is a private right of action under section 14132, or that he meets the requirements of section 3600. Instead, he raises new arguments to support his claim that he is entitled to the DNA evidence. Collins' arguments do not fall within any of the exceptions to the general rule that an issue may not be raised for the first time on appeal. *See Manta v. Chertoff*, 518 F. 3d 1134, 1144 (9th Cir. 2008).

AFFIRMED.