

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 14 2012

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

BARRY HALAJIAN,

Plaintiff - Appellant,

v.

THE CITY OF FRESNO, a Municipal
Corporation; et al.,

Defendants - Appellees.

No. 11-15681

D.C. No. 1:10-cv-01358-AWI-
DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, Chief Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Barry Halajian appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging violations of his civil rights in connection

* 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). Accordingly, Halajian's request for oral argument is denied.

with the impounding of his truck by defendants. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal of Halajian's action as barred by the doctrine of res judicata. *Holcombe v. Hosmer*, 477 F.3d 1094, 1097 (9th Cir. 2007). We affirm.

The district court properly dismissed Halajian's claims on the basis of res judicata because Halajian had a final adjudication on the merits of these claims in California small claims court. *See Migra v. Warrant City Sch. Dist. Bd. of Educ.*, 465 U.S. 75, 81 (1984) (preclusive effect of state court judgment is determined by the law of that state); *Allstate Ins. Co. v. Mel Raption, Inc.*, 92 Cal. Rptr. 2d 151, 155 (Cal. Ct. App. 2000) (under California law, a small claims court judgment precludes further litigation on the same claim).

Because the district court properly dismissed Halajian's claims as barred by res judicata, Halajian's remaining arguments about the sufficiency of his pleadings and the merits of his claims are unpersuasive.

AFFIRMED.