

SEP 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE LUIS MORALES,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>PELICAN BAY STATE PRISON; et al.,</p> <p>Defendants - Appellees.</p>

No. 11-17354

D.C. No. 4:06-cv-04175-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted September 10, 2012**

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

California state prisoner Jose Luis Morales appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations in connection with his 2006 prison disciplinary proceedings. 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. We review de novo. *Hawkins v. Risley*, 984 F.2d 321, 323 (9th Cir. 1993) (per curiam) (issue preclusion). We may affirm on any ground supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008), and we affirm.

Dismissal was proper because the state court's denial of Morales's petition for a writ of habeas corpus challenging his prison disciplinary proceedings and placement in the Security Housing Unit precluded Morales from relitigating the same issues in a § 1983 action. *See Silvertown v. Dep't of Treasury*, 644 F.2d 1341, 1347 (9th Cir. 1981) (“[B]ecause of the nature of a state habeas proceeding, a decision actually rendered should preclude an identical issue from being relitigated in a subsequent § 1983 action if the state habeas court afforded a full and fair opportunity for the issue to be heard and determined under federal standards.”).

AFFIRMED.