

NOV 29 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSEPH ROBINSON,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>JEFF CUNAN,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 11-15978

D.C. No. 2:10-cv-02464-MCE-JFM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted November 13, 2012**

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Joseph Robinson appeals pro se from the district court’s judgment dismissing his action seeking criminal prosecution of Plumas County prosecutor Jeff Cunan for alleged violations of Robinson’s civil rights. We have jurisdiction

* 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).

under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim for relief, *Miller v. Yokohama Tire Corp.*, 358 F.3d 616, 619 (9th Cir. 2004), and we affirm.

The district court properly dismissed Robinson’s action as barred by the doctrine of res judicata. *See Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg’l Planning Agency*, 322 F.3d 1064, 1077-78 (9th Cir. 2003) (setting forth elements of res judicata). Moreover, to the extent that Robinson seeks the issuance of an arrest warrant or to compel the prosecution of another person under 18 U.S.C. §§ 241 and 242, he lacks standing. *See Linda R. S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.”).

AFFIRMED.