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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAYMOND ROBINSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DAVID RUBIN; BRIAN CORNELL,</p> <p>Defendants - Appellees.</p>
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No. 08-56379

D.C. No. 3:08-cv-00244-DMS-
BLM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted May 14, 2013**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Raymond Robinson appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging that Judge David Rubin conspired with Officer Brian Cornell to violate Robinson’s due process rights by relying on Cornell’s testimony during a state court infraction proceeding. 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. *Knieval v. ESPN*, 393 F.3d 1068, 1072 (9th Cir. 2005). We affirm.

The district court properly dismissed Robinson's action because defendants are immune from liability. See *Mireles v. Waco*, 502 U.S. 9, 9, 11-12 (1991) (per curiam) (judges are absolutely immune from suits for damages based on their judicial conduct except when performing nonjudicial functions or acting in the complete absence of jurisdiction); *Briscoe v. LaHue*, 460 U.S. 325, 342-43 (1983) (police officers who testify in judicial proceedings are absolutely immune from civil liability).

AFFIRMED.