

MAR 17 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>ROBERT D. GIBSON,</p> <p style="text-align: center;">Claimant - Appellant,</p> <p style="text-align: center;">v.</p> <p>APPROXIMATELY \$658,830.00 IN U.S. CURRENCY,</p> <p style="text-align: center;">Defendant.</p>

No. 12-17250

D.C. No. 2:11-cv-00967-MCE-
KJN

MEMORANDUM*

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

Submitted March 10, 2014**

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

Robert D. Gibson appeals pro se from the district court's summary judgment

* 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).

in a civil forfeiture action under 21 U.S.C. § 881(a)(6) for approximately \$658,830.00 in U.S. currency that was seized from a package. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *United States v. \$133,420.00 in U.S. Currency*, 672 F.3d 629, 637 (9th Cir. 2012), and we affirm.

The district court properly granted summary judgment for the government because Gibson failed to establish some evidence showing that he had a colorable interest in the property. *See id.* at 638 (“[I]n a civil forfeiture action, a claimant’s bare assertion of an ownership or possessory interest, in the absence of some other evidence, is not enough to survive a motion for summary judgment.”). Contrary to Gibson’s contention, a shipping order for the package without his name on it is not “some evidence of ownership.” *Id.* Further, we do not consider any documents that are not part of the district court record. *See Kirshner v. Uniden Corp. of Am.*, 842 F.2d 1074, 1077 (9th Cir. 1988).

Gibson’s contentions concerning alleged judicial bias are unsupported by the record. Gibson’s contentions concerning the government’s statement of undisputed facts and his need for an evidentiary hearing are similarly unpersuasive.

Gibson’s requests to stay this appeal, filed on September 5 and 20, 2013, are denied. His pending requests for judicial notice are also denied.

AFFIRMED.