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MAY 22 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL MACAHILAS, Plaintiff - Appellant, v. RICHARD P. GALLOWAY, M.D.; et al., Defendants - Appellees.	No. 11-15709 D.C. No. 2:09-cv-03199-WBS-DAD MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Michael Macahilas, a former California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review de novo, *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002), and we affirm.

The district court properly dismissed Macahilas's action as barred by the doctrine of res judicata because Macahilas raised, or could have raised, his claims against defendants Galloway, Douglas, and Williams in his prior Eighth Amendment action that involved the same nucleus of facts and was decided on the merits. *See Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 713 (9th Cir. 2001) ("Res judicata . . . bars litigation in a subsequent action of any claims that were raised or could have been raised in the prior action." (citation and internal quotation marks omitted)); *see also Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 989 (9th Cir. 2005) ("Denial of leave to amend in a prior action based on dilatoriness does not prevent application of res judicata in a subsequent action."); *cf. Adams v. Cal. Dep't of Health Servs.,* 487 F.3d 684, 688 (9th Cir. 2007) ("'[T]he fact that plaintiff was denied leave to amend does not give h[er] the right to file a second lawsuit based on the same facts.'" (citation omitted).).

Macahilas's remaining contentions are unpersuasive.

AFFIRMED.