

FILED

AUG 21 2018

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL J. HORTON,

Plaintiff-Appellant,

v.

D. BRADBURY, CDW (A); et al.,

Defendants-Appellees.

No. 17-17514

D.C. No. 3:16-cv-06411-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

California state prisoner Michael J. Horton appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging Eighth and Fourteenth Amendment claims arising from a notation in his custody records. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

1 basis of claim preclusion. *Manufactured Home Cmtys. Inc. v. City of San Jose*,
2 420 F.3d 1022, 1025 (9th Cir. 2005). We affirm.

3 The district court properly dismissed Horton's action as barred by claim
4 preclusion because Horton's claims were raised in a prior state habeas action that
5 involved the same rights and parties, and resulted in a final judgment on the merits.
6 See *San Diego Police Officers' Ass'n v. San Diego City Emps.' Ret. Sys.*, 568 F.3d
7 725, 734 (9th Cir. 2009) (elements of claim preclusion under California law); see
8 also *Gonzales v. Cal. Dep't of Corr.*, 739 F.3d 1226, 1231 (9th Cir. 2014)
9 (reasoned denials of California habeas petitions have claim preclusive effect).

10 **AFFIRMED.**