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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTHUR DUANE JACKSON,

Plaintiff - Appellant,

v.

J. P. GONZALEZ, Associate Warden; et
al.,

Defendants - Appellees.

No. 09-56157

D.C. No. 3:05-cv-00513-L-NLS

MEMORANDUM*

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

Submitted November 16, 2010 **

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Arthur Duane Jackson, a California state prisoner, appeals pro se from the district court's summary judgment dismissing his 42 U.S.C. § 1983 action alleging denial of access to courts. We have jurisdiction under 28 U.S.C. § 1291. We may

* 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).

affirm on any grounds supported by the record. *Atel Fin. Corp. v. Quaker Coal Co.*, 321 F.3d 924, 926 (9th Cir. 2003) (per curiam). We review de novo, *Midwaters Trawlers Coop. v. Dep't of Commerce*, 393 F.3d 994, 1002 (9th Cir. 2004), and we affirm.

The only issue open on remand was whether Jackson was unable to bring a claim in state court because defendants allegedly denied him access to some of his legal materials. Jackson has not raised this issue on appeal, and thus it is waived. *See McKay v. Ingleson*, 558 F.3d 888, 981 n.5 (2009).

Jackson's remaining contentions are unpersuasive.

AFFIRMED.