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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OFFICE DEPOT INC.,

Plaintiff - Appellee,

v.

JOHN ZUCCARINI, dba County Walk,

Defendant - Appellant,

DS HOLDINGS LLC,

Receiver - Appellee.

No. 10-16383

D.C. No. 3:06-mc-80356-SI

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE and THOMAS, Circuit Judges.

* 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).

John Zuccarini, dba County Walk, appeals pro se the district court's denial of his motions: 1) to enjoin appellee DS Holdings, LLC and its receiver from selling certain domain names to satisfy a judgment against Zuccarini in favor of appellee Office Depot, Inc.; 2) to order the return to Zuccarini of certain domain names; and 3) for relief under Federal Rule of Civil Procedure 60(b), challenging the district court's underlying order appointing a receiver to auction the domain names. In a prior appeal, this court affirmed the district court's order appointing a receiver to auction the domain names. *Office Depot, Inc. v. Zuccarini*, 596 F.3d 696, 703 (9th Cir. 2010).

The district court did not abuse its discretion in denying the motion to enjoin the sale of certain domain names.

We affirm the district court's denial of Zuccarini's Rule 60(b) motion and motion to order the return of certain domain names, for the reasons stated in the district court's order dated September 7, 2010.

Appellees' requests to designate Zuccarini as a vexatious litigant and for sanctions are denied.

AFFIRMED.