

**FILED**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SEP 14 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FRANZ A. WAKEFIELD,  
Plaintiff - Appellant,  
v.  
APPLE, INC.; et al.,  
Defendants - Appellees.

No. 10-16550  
D.C. No. 5:09-cv-05420-JW  
Northern District of California,  
San Jose

## ORDER

Before: CLIFTON, BYBEE and IKUTA, Circuit Judges.

A review of the record and the response to the August 5, 2010 order to show cause indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See Denton v. Hernandez*, 504 U.S. 25, 32 (1992) (affirming dismissal as frivolous of clearly baseless factual contentions); *see also United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard for summary disposition).

Accordingly, we summarily affirm the district court's judgment.

**AFFIRMED.**