

FILED

JUN 23 2003

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROGER W. KNIGHT,

Plaintiff - Appellant,

v.

CITY OF MERCER ISLAND; et al.,

Defendants - Appellees.

No. 03-35116

D.C. No. CV-02-00879-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, District Judge, Presiding

Submitted June 16, 2003**

Before: RYMER, THOMAS, and SILVERMAN, Circuit Judges.

Roger M. Knight appeals pro se the district court's summary judgment
dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising

* This disposition is not appropriate for publication and may not be cited to or
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

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

out of efforts to enforce his child support obligation. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, and may affirm on any ground supported by the record, *Commonwealth Utilities Corp. v. Goltens Trading & Engineering PTE Ltd.*, 313 F.3d 541, 545-46 (9th Cir. 2002).

Because Knight has already litigated the constitutionality of the WorkFirst Act under the Washington State Constitution, *Knight v. Dep't. of Soc. & Health Servs.*, No. 46753-1-H, 2001 WL 316193 (Wash. Ct. App. Apr. 2, 2001), his action is barred by collateral estoppel and was properly dismissed on summary judgment. *See In re Diamond*, 285 F.3d 822, 826 (9th Cir. 2002).

The district court properly granted summary judgment on Knight's Fourteenth Amendment claim alleging failure to meet the notice requirements of Was. Rev. Code § 74.20A.320(1) because Knight was served by certified mail with the notice of noncompliance and intent to suspend licenses.

The district court properly granted summary judgment on Knight's claim alleging that the WorkFirst Act was an unconstitutional bill of attainder because Knight was properly given notice and had judicial remedies under RCW 74.20A.320. *See United States v. Munsterman*, 177 F.3d 1139, 1141 (9th Cir. 1999).