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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL SCHAEFER, Plaintiff-Appellant, v. BARBARA CEGAVSKY, Secretary of State, State of Nevada, Defendant-Appellee.	No. 17-15961 D.C. No. 2:16-cv-00004-JAD-VCF MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Jennifer A. Dorsey, District Judge, Presiding

Submitted December 18, 2017**

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Michael Schaefer appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action challenging the constitutionality of a Nevada election statute. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a sua sponte dismissal. *Omar v. Sea–Land Serv., Inc.*, 813 F.2d 986, 991

* 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).

(9th Cir. 1987). We may affirm on any ground supported by the record. *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008). We affirm.

Dismissal of Schaefer's action was proper because the issues involved were actually litigated and decided in Schaefer's prior federal court action. *See Taylor v. Sturgell*, 553 U.S. 880, 892 (2008) (issue preclusion bars "successive litigation of an issue of fact or law actually litigated and resolved in a valid court determination essential to the prior judgment, even if the issue recurs in the context of a different claim" (citation and internal quotation marks omitted)); *Howard v. City of Coos Bay*, 871 F.3d 1032, 1040-41 (9th Cir. 2017) (setting forth issue preclusion elements under federal law).

AFFIRMED.