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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAIRO BRAVO PEDROZA,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ALBERTO R. GONZALEZ; et al.,</p> <p>Defendants - Appellees.</p>
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No. 11-55784

D.C. No. 3:09-cv-01766-LAB-WVG

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry Alan Burns, District Judge, Presiding

Submitted November 13, 2012**

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Jairo Bravo Pedroza appeals pro se from the district court’s judgment dismissing his action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 288 (1971), alleging Fifth Amendment and

* 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)*.

malicious prosecution claims in connection with defendants' decision to commence removal proceedings against him and his detention incident to those proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of subject matter jurisdiction, *Vestron, Inc. v. Home Box Office Inc.*, 839 F.2d 1380, 1381 (9th Cir. 1988). We affirm.

The district court properly dismissed Pedroza's action for lack of subject matter jurisdiction under 8 U.S.C. § 1252(g). *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482-88 (1999).

The district court did not abuse its discretion by denying Pedroza leave to amend because further amendment would have been futile in light of the jurisdictional bar. *See L.A. Mem'l Coliseum Comm'n v. City of Oakland*, 717 F.2d 470, 473 (9th Cir. 1983) (setting forth standard of review).

The district court properly declined to file the post-judgment motions Pedroza submitted after filing his notice of appeal. *See Vroman v. United States*, 997 F.2d 627 (9th Cir. 1993) (per curiam).

We do not consider issues raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

AFFIRMED.