**FILED** 

## NOT FOR PUBLICATION

JUL 01 2015

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

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

PHILIP C. BIKLE,

Plaintiff - Appellant,

v.

A. SANTOS, Officer, in his individual capacity; et al.,

Defendants - Appellees.

No. 14-55077

D.C. No. 8:13-cv-01662-DOC-JPR

MEMORANDUM\*

Appeal from the United States District Court for the Central District of California David O. Carter, District Judge, Presiding

Submitted June 22, 2015\*\*

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Philip C. Bikle appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action arising out of a traffic citation. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Barrett v. Belleque*, 544 F.3d 1060,

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

1061 (9th Cir. 2008), and we affirm.

The district court properly dismissed Bikle's action as frivolous because Bikle's claims lacked any arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (a "frivolous" claim lacks an arguable basis either in law or in fact; "[the] term 'frivolous' . . . embraces not only the inarguable legal conclusion, but also the fanciful factual allegation"); *see also New York v. Class*, 475 U.S. 106, 114, 117-18 (1986) (there is "no reasonable expectation of privacy" in a vehicle's VIN number under the Fourth Amendment); *cf. In re Arturo D*, 38 P.3d 433, 450-51 (Cal. 2002) (a police officer's limited search of the vehicle's glove compartment and other areas constituted a reasonable search when the plaintiff was unable to produce a driver's license and registration).

The district court did not abuse its discretion by dismissing Bikle's action without leave to amend because amendment would have been futile. *See Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc) (setting forth standard of review).

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

Bikle's requests for judicial notice, filed on August 28, 2014, are denied.

## AFFIRMED.

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