

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 30 2017

FOR THE NINTH CIRCUIT

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

BRENT K. POLLITT,

Plaintiff-Appellant,

v.

CASA GRANDE UNION HIGH SCHOOL
DISTRICT NO. 82; et al.,

Defendants-Appellees.

No. 15-16370

D.C. No. 4:13-cv-00383-RM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Rosemary Marquez, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Brent K. Pollitt appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims relating to his termination. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's

* 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).

dismissal under Federal Rule of Civil Procedure 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We affirm.

The district court properly dismissed Pollitt's claim under Arizona's blacklisting statute because Pollitt failed to allege facts sufficient to state a plausible claim. *See* Ariz. Rev. Stat. §§ 23-1361 (elements of blacklisting); *Hebbe*, 627 F.3d at 341-42 (to avoid dismissal, a complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face). The district court also properly dismissed Pollitt's conspiracy to blacklist claim, alleged under 42 U.S.C. § 1983, because "a claim for violation of state law is not cognizable under § 1983." *Cornejo v. County of San Diego*, 504 F.3d 853, 855 n.3 (9th Cir. 2007).

The district court properly dismissed Pollitt's remaining claims arising from his termination because the state administrative proceedings had preclusive effect. *See Olson v. Morris*, 188 F.3d 1083, 1086 (9th Cir. 1999) ("In Arizona, the failure to seek judicial review of an administrative order precludes collateral attack of the order in a separate complaint.").

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

AFFIRMED.