

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

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

DENNIS RUSSELL HOOPER,

Plaintiff-Appellant,

v.

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; COOS-
CURRY HOUSING AUTHORITY,

Defendants-Appellees.

No. 17-35674

D.C. No. 6:17-cv-00031-MC

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, District Judge, Presiding

Submitted November 27, 2018**

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

Dennis Russell Hooper appeals pro se from the district court's judgment dismissing his action alleging, among other claims, violations of the Americans with Disabilities Act ("ADA"). We have jurisdiction under 28 U.S.C. § 1291. We

* 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).

review de novo a dismissal under Fed. R. Civ. P. 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We may affirm on any ground supported by the record. *Johnson v. Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008). We affirm.

Dismissal of Hooper's ADA claims was proper because Hooper failed to allege facts sufficient to show that defendants discriminated against Hooper due to his disability, or denied Hooper any public accommodations because of his disability. *See Thompson v. Davis*, 295 F.3d 890, 895 (9th Cir. 2002) (elements of a Title II ADA claim); *see also Molski v. M.J. Cable, Inc.*, 481 F.3d 724, 730 (9th Cir. 2007) (elements of a Title III discrimination claim).

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

AFFIRMED.