

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 18 2019

FOR THE NINTH CIRCUIT

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

ALBERT L. JACOBS, Jr.; LINDA
SPECTOR JACOBS,

Plaintiffs-Appellants,

v.

WHEATON VAN LINES, INC.,

Defendant-Appellee.

No. 18-16207

D.C. No. 2:17-cv-03967-JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted December 11, 2019**

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

Albert L. Jacobs, Jr. and Linda Spector Jacobs appeal pro se from the district court's judgment dismissing their declaratory judgment action against Wheaton Van Lines, Inc. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

In their opening brief, plaintiffs fail to raise, and therefore have waived, any

* 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).

challenge to the district court's ruling that it lacked subject matter jurisdiction over their declaratory judgment action. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not actually argued in appellant’s opening brief.”); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1993) (issues not supported by argument in pro se appellant’s opening brief are waived).

Contrary to plaintiffs’ contention, the district court resolved plaintiffs’ declaratory judgment action against defendant before it addressed defendant’s action against Ms. Jacobs.

We reject as without merit plaintiffs’ contention that the district court should have ruled on their motion for summary judgment on the merits.

AFFIRMED.