

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2022

FOR THE NINTH CIRCUIT

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

DAVID OLLODART,

Plaintiff-Appellant,

v.

INTEL CORPORATION,

Defendant-Appellee.

No. 21-35859

D.C. No. 3:21-cv-00125-MO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted November 15, 2022**

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

David Ollodart appeals pro se from the district court's judgment dismissing his diversity action alleging various employment-related claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Dougherty v. City of Covina*, 654 F.3d 892, 897

* 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).

(9th Cir. 2011). We affirm.

The district court properly dismissed Ollodart’s action because Ollodart failed to allege facts sufficient to state a plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’” (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007))); *see also Doe v. Denny’s, Inc.*, 963 P.2d 650, 654 (Or. 1998) (elements of a constructive discharge claim); *Reed v. Toyota Motor Credit Corp.*, 459 P.3d 253, 257 (Or. Ct. App. 2020) (elements of an invasion of privacy claim); *Herrera v. C & M Victor Co.*, 337 P.3d 154, 159 (Or. Ct. App. 2014) (elements of a defamation claim); *Scott v. Jackson County*, 260 P.3d 744, 752 (Or. Ct. App. 2011) (elements of a trespass to chattels claim); *Merten v. Portland Gen. Elec. Co.*, 228 P.3d 623, 629 (Or. Ct. App. 2010) (elements of a fraud claim); *Slover v. Or. State Bd. of Clinical Soc. Workers*, 927 P.2d 1098, 1101-02 (Or. Ct. App. 1996) (elements of breach of contract claim).

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

AFFIRMED.