

OCT 25 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FAIR POLITICAL PRACTICES
COMMISSION, an agency of the State of
California,

Plaintiff - Appellee,

v.

WILLIAM EISEN,

Applicant-in-intervention -
Appellant,

UNITED STATES POSTAL SERVICE,

Defendant.

No. 12-16165

D.C. No. 2:12-cv-00093-GEB-
CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted October 15, 2013**

Before: FISHER, GOULD, and BYBEE, Circuit Judges.

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

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

Willaim Eisen appeals pro se from the district court's order denying his motion to intervene in a Freedom of Information Act action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the denial of intervention as of right. *Citizens for Balanced Use v. Mont. Wilderness Ass'n*, 647 F.3d 893, 896 (9th Cir. 2011). We affirm.

The district court properly denied Eisen's motion for intervention as of right under Fed. R. Civ. P. 24(a)(2) because Eisen failed to demonstrate a significant protectable interest in the action. *See id.* at 897 (setting forth four-part test for determining intervention as of right, and explaining that to demonstrate a significant protectable interest, the proposed intervener "must establish that the interest is protectable under some law and that there is a relationship between the legally protected interest and the claims at issue"); *United States v. Alisal Water Corp.*, 370 F.3d 915, 919 (9th Cir. 2004) ("The party seeking to intervene bears the burden of showing that *all* the requirements for intervention have been met.").

AFFIRMED.