

FEB 27 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARABELLA LEMUS,

Plaintiff - Appellee,

v.

PAUL SINGH MADAR,

Objector - Appellant,

v.

H&R BLOCK ENTERPRISES, INC., a  
Missouri corporation,

Defendant - Appellee.

No. 13-16628

D.C. No. 3:09-cv-03179-SI

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Susan Illston, District Judge, Presiding

Submitted February 17, 2015\*\*

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

Paul Singh Madar appeals pro se from the district court's order disallowing

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\* 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).

his claim against a class action settlement fund. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *In re Gypsum Antitrust Cases*, 565 F.2d 1123, 1128 (9th Cir. 1977). We affirm.

The district court did not abuse its discretion by disallowing Madar's claim to a portion of the settlement where Madar's claim was not timely received, and Madar "made no showing that [his] claim was treated in a fashion inconsistent with those of other claimants similarly situated." *Id.* ("In reviewing the court's exercise of its discretion, we are not to substitute our ideas of fairness for those of the district judge in the absence of evidence that [she] acted arbitrarily[.]" (citation and internal quotation marks omitted)).

**AFFIRMED.**