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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PAUL CARRICK,

Plaintiff - Appellant,

v.

SANTA CRUZ COUNTY
ASSESSOR/RECORDER; et al.,

Defendants - Appellees.

No. 13-17236

D.C. No. 5:13-cv-01632-LHK

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Lucy Koh, District Judge, Presiding

Submitted February 17, 2015**

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

Paul Carrick appeals pro se from the district court's judgment dismissing his action under the Quiet Title Act, 28 U.S.C. § 2409a, and the Homestead Act of 1862, 43 U.S.C. § 161 et seq. (repealed 1976), challenging legal proceedings

* 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).

relating to his real property. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005), and we affirm.

The district court properly dismissed the action because Carrick's claims were raised, or could have been raised, in a prior federal action between the parties that resulted in a final judgment on the merits. *See id.* (res judicata elements and requirements for identity of claims); *Stewart v. U.S. Bancorp*, 297 F.3d 953, 957 (9th Cir. 2002) (“a dismissal for failure to state a claim under Rule 12(b)(6) is a judgment on the merits to which res judicata applies”) (citation and internal quotation marks omitted); *see also Sosa v. DIRECTV, Inc.*, 437 F.3d 923, 928 (9th Cir. 2006) (district court judgment is final for res judicata purposes during pendency of appeal).

We reject as unpersuasive Carrick's contentions regarding the impact of a purported land patent applying to his property, and his contentions regarding the purported removal of the state court action to federal court.

AFFIRMED.