

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2016

FOR THE NINTH CIRCUIT

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

MICHAEL A. BRUZZONE,

Plaintiff-Appellant,

v.

INTEL CORPORATION; ARM, INC.,

Defendants-Appellees.

No. 14-17003

D.C. No. 3:14-cv-01279-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted November 16, 2016**

Before: LEAVY, BERZON, and MURGUIA, Circuit Judges.

Michael A. Bruzzone appeals pro se from the district court's judgment in his action alleging a conspiracy to defraud the federal and state governments and the public. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Stoner v. Santa Clara Cty. Office of Educ.*, 502 F.3d 1116, 1120-21 (9th Cir. 2007), and

* 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).

we affirm.

The district court properly struck Bruzzone's complaint and dismissed the action because Bruzzone improperly attempted to proceed pro se as a relator in a qui tam action alleging a conspiracy to defraud the United States. *See id.* at 1125-27 (concluding that pro se litigants may not prosecute claims based on fraud against the United States).

The district court did not abuse its discretion by denying Bruzzone's recusal motion because Bruzzone's allegations of bias were exclusively based on adverse judicial rulings. *See Jorgensen v. Cassidy*, 320 F.3d 906, 911 (9th Cir. 2003) (setting forth standard of review); *see also Liteky v. United States*, 510 U.S. 540, 555 (1994) (explaining that "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion").

Defendants' unopposed motion for judicial notice, filed February 20, 2015, is granted.

AFFIRMED.