

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 7 2016

FOR THE NINTH CIRCUIT

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

FAREED SEPEHRY-FARD,

Plaintiff-Appellant,

v.

STATE OF OREGON,

Defendant-Appellee.

No. 14-17416

D.C. No. 5:14-cv-02444-EJD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward J. Davila, District Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Fareed Sepehry-Fard appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims against the State of Oregon. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal of an action as barred by Eleventh Amendment immunity. *Micomonaco*

* 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).

v. Washington, 45 F.3d 316, 319 (9th Cir. 1995). We affirm.

The district court properly dismissed Sepehry-Fard's action against the State of Oregon on the basis of Eleventh Amendment immunity. *See Franceschi v. Schwartz*, 57 F.3d 828, 831 (9th Cir. 1995) (Eleventh Amendment bars suits in federal court for damages or injunctive relief against a state or an arm of the state); *see also Porter v. Jones*, 319 F.3d 483, 491 (9th Cir. 2003) (distinguishing non-cognizable claims for retrospective relief, such as damages, from generally cognizable claims for prospective relief against state officials). In light of our disposition, we do not address the merits of Sepehry-Fard's claims.

Sepehry-Fard's contentions that the district court violated his right to due process are unpersuasive.

AFFIRMED.