NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 17 2017

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

C. HUGH JONSON,

Plaintiff-Appellant,

v.

TED CHEPOLIS, an individual doing business in Skagit County, Washington; et al.,

Defendants-Appellees.

No. 16-35923

D.C. No. 2:16-cv-01220-RSM

MEMORANDUM*

C. HUGH JONSON,

Plaintiff-Appellee,

v.

TED CHEPOLIS, an individual doing business in Skagit County, Washington,

Defendant-Appellant,

and

PHILLIP JENNINGS, an individual doing business in King County, Washington; et al.,

Defendants.

No. 16-35965

D.C. No. 2:16-cv-01220-RSM

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* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

C. HUGH JONSON, Plaintiff-Appellee, v. TED CHEPOLIS, an individual doing business in Skagit County, Washington, Defendant, and PHILLIP JENNINGS, an individual doing business in King County, Washington; et al., Defendants-Appellants.	No. 16-35978 D.C. No. 2:16-cv-01220-RSM

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, Chief Judge, Presiding

Submitted August 9, 2017[**]

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

C. Hugh Jonson appeals pro se from the district court's judgment dismissing his action alleging violations of federal law. Defendants cross-appeal from the district court's order denying their motions for sanctions. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Stewart v. U.S. Bancorp*, 297 F.3d

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

953, 956 (9th Cir. 2002) (Fed. R. Civ. P. 12(b)(6) dismissal on the basis of res judicata); *Hiser v. Franklin*, 94 F.3d 1287, 1290 (9th Cir. 1996) (summary judgment). We may affirm on any ground supported by the record. *Johnson v. Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008). We affirm.

The district court properly granted summary judgment for defendant Chepolis and properly dismissed Jonson's claims against the remaining defendants on the basis of the doctrine of res judicata because Jonson asserted the same claim against the same defendants concerning the same subject matter in a prior Washington State court action that was dismissed with prejudice. *See Intri-Plex Techs., Inc. v. Crest Grp., Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007) (federal courts look to state law to determine the preclusive effect of a state court judgment); *Williams v. Leone & Keeble, Inc.*, 254 P.3d 818, 821 (Wash. 2011) (en banc) (setting forth elements of the doctrine of res judicata under Washington law); *Fluke Capital & Mgmt. Servs. Co. v. Richmond*, 724 P.2d 356, 361 (Wash. 1986) (en banc) ("Under the doctrine of res judicata . . . a claim decided in a prior action cannot be raised in a subsequent action . . . . A claim includes all rights of the [claimant] to remedies against the defendant with respect to all or any part of the transaction, or series of connected transactions, out of which the action arose, without regard to whether the issues actually were raised or litigated." (citation and internal quotation marks omitted)).

The district court did not abuse its discretion by denying defendants' motions for sanctions under Federal Rule of Civil Procedure 11 because defendants failed to establish grounds for sanctions. *See* Fed. R. Civ. P. 11(b); *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1126-27 (9th Cir. 2002) (setting forth standard of review and describing grounds for Rule 11 sanctions).

Defendants' Federal Rule of Appellate Procedure 38 motions for fees (Docket Entry Nos. 11 and 13 in appeal No. 16-35923; Docket Entry Nos. 10 and 12 in appeal No. 16-35965; Docket Entry Nos. 8 and 10 in appeal No. 16-35978) are denied.

AFFIRMED.