

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 30 2017

FOR THE NINTH CIRCUIT

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

JEHAN ZEB MIR,

Plaintiff-Appellant,

v.

FRANDZEL, ROBIN, BLOOM, CSATO,
LC; et al.,

Defendants-Appellees.

No. 16-56251

D.C. No. 2:15-cv-04101-CAS-FFM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted October 23, 2017**

Before: McKEOWN, WATFORD, and FRIEDLAND, Circuit Judges.

Jehan Zeb Mir appeals pro se from the district court's judgment dismissing his action alleging various federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010) (dismissal under Fed. R. Civ. P. 12(b)(6)); *Headwaters, Inc. v. U.S.*

* 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).

Forest Serv., 399 F.3d 1047, 1051 (9th Cir. 2005) (dismissal based on res judicata).

We affirm.

The district court properly dismissed Mir's federal claims on the basis of res judicata because these claims were raised or could have been raised in a prior federal action between the parties or those in privity with them that resulted in a final judgment on the merits. *See Headwaters, Inc.*, 399 F.3d at 1052 (elements of res judicata).

The district court did not abuse its discretion in denying Mir leave to amend his complaint. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that a district court may dismiss without leave where amendment would be futile).

We reject as without merit Mir's contention that his case was improperly transferred to Judge Snyder following appellees' filing a notice of related cases. *See* C.D. Cal. General Order No. 16-05.

The request of appellees Iungerich & Spackman, Paul Spackman, and Russell Iungerich for attorney's fees and costs, set forth in their answering brief, is denied without prejudice to filing a timely motion for fees and a timely bill of costs. *See* Fed. R. App. P. 38. Their request to modify the judgment to declare

Mir a vexatious litigant, also set forth in their answering brief, is denied.

Mir's request for assignment of his case to a different appeal panel (Docket Entry No. 22) is denied as moot.

AFFIRMED.