

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 19 2018

FOR THE NINTH CIRCUIT

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

BRAD GREENSPAN,

No. 17-72832

Petitioner,

SEC File No. 2016-8

v.

MEMORANDUM*

U.S. SECURITIES & EXCHANGE
COMMISSION,

Respondent.

On Petition for Review of an Order of the
Securities & Exchange Commission

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON and NGUYEN, Circuit Judges.

Brad Greenspan petitions for review of an order of the Securities and Exchange Commission (“SEC”) denying his claim for a whistleblower award under Section 21F of the Securities Exchange Act of 1934. We have jurisdiction under 15 U.S.C. § 78u-6(f). The SEC’s determination may be set aside only if

* 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).

“arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or “unsupported by substantial evidence.” 5 U.S.C. § 706(2)(A), (2)(E); *see also* 15 U.S.C. § 78u-6(f); *Ponce v. SEC*, 345 F.3d 722, 728 (9th Cir. 2003). We deny the petition.

The record supports the SEC’s determination that Greenspan is not entitled to a whistleblower award because Greenspan did not provide information to the SEC “that led to the successful enforcement” of an SEC action. 15 U.S.C. § 78u-6(b)(1); *see also* 17 C.F.R. § 240.21F-4(c) (defining information that led to successful enforcement action).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.