

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2019

FOR THE NINTH CIRCUIT

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

MICHAEL J. BROSNAHAN,

Plaintiff-Appellant,

v.

CALIBER HOME LOANS, INC.; et al.,

Defendants-Appellees.

No. 18-15613

D.C. No. 3:16-cv-08277-DLR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Douglas L. Rayes, District Judge, Presiding

Submitted March 12, 2019**

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Michael J. Brosnahan appeals from the district court's order dismissing his action alleging, among other things, a claim under the Truth in Lending Act ("TILA"). We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with Federal Rule of Civil Procedure

* 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).

8. *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996). We affirm.

The district court did not abuse its discretion by dismissing Brosnahan’s TILA claim because the second amended complaint failed to comply with Rule 8(a)’s requirement of a short and plain statement of the claim. *See* Fed. R. Civ. P. 8(a)(2) (“A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief”); *McHenry*, 84 F.3d at 1177 (district court did not abuse discretion in dismissing on the basis of Rule 8 where the complaint was “argumentative, prolix, replete with redundancy, and largely irrelevant”); *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981) (dismissal under Rule 8 was proper where the complaint was “verbose, confusing and conclusory”).

AFFIRMED.