

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 13 2020

FOR THE NINTH CIRCUIT

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

ARMIN ABAZARI, DPM, JD Candidate,

No. 19-55854

Plaintiff-Appellant,

D.C. No. 8:19-cv-01290-DMG-
FFM

v.

U.S. DEPARTMENT OF EDUCATION; et
al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted May 6, 2020**

Before: BERZON, N.R. SMITH, and MILLER, Circuit Judges.

Armin Abazari appeals pro se from the district court's order denying his motion to proceed in forma pauperis ("IFP") in his action alleging federal and state law claims related to his federal student loan debt. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the denial of leave to proceed

* 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).

IFP, and de novo a determination that a complaint lacks arguable substance in law or fact. *Tripati v. First Nat'l Bank & Tr.*, 821 F.2d 1368, 1369 (9th Cir. 1987).

We affirm.

The district court did not abuse its discretion by denying Abazari's motion to proceed IFP because Abazari either failed to allege facts in his proposed complaint sufficient to state a claim or the claims were frivolous. *See id.* at 1370 (district court may deny leave to proceed IFP "at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit"); *see also, e.g., United Bhd. of Carpenters & Joiners of Am., Local 610 v. Scott*, 463 U.S. 825, 828-29 (1983) (elements of 42 U.S.C. § 1985(3) claim); *Living Designs, Inc. v. E.I. Dupont de Nemours & Co.*, 431 F.3d 353, 361 (9th Cir. 2005) (elements of civil Racketeer Influenced and Corrupt Organizations Act claim).

We reject as meritless Abazari's contentions that the district judge was biased and violated his constitutional rights, and did not review the findings and recommendations de novo.

All pending motions and requests are denied.

AFFIRMED.