

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 25 2022

FOR THE NINTH CIRCUIT

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

MARTIN VENTRESS,

Plaintiff-Appellant,

v.

DIRECTOR DAVID KILGORE, California
Department of Child Support Services; et al.,

Defendants-Appellees.

No. 21-55433

D.C. No. 8:20-cv-02192-MWF-
MRW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted January 19, 2022**

Before: SILVERMAN, CLIFTON, and HURWITZ, Circuit Judges.

Martin Ventress appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims concerning child support payments.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's sua sponte dismissal under Federal Rule of Civil Procedure 12(b)(6). *Omar*

* 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).

v. Sea-Land Serv., Inc., 813 F.2d 986, 991 (9th Cir. 1987). We affirm.

The district court properly dismissed Ventress’s action sua sponte after giving Ventress notice of its intention to dismiss under Rule 12(b)(6) and allowing Ventress to submit a written response and amended complaint. *See Wong v. Bell*, 642 F.2d 359, 361-62 (9th Cir. 1981) (district court has authority under Rule 12(b)(6) to dismiss sua sponte for failure to state a claim); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” (citation and internal quotation marks omitted)).

Ventress’s motions for judicial notice (Docket Entry Nos. 6 and 7) are denied.

AFFIRMED.