

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 28 2024

FOR THE NINTH CIRCUIT

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

CARLTON BRYAN LOEBER,

No. 22-16830

Plaintiff-Appellant,

D.C. No. 3:21-cv-00505-JD

v.

MEMORANDUM*

AMEER ALGHUSAIN; AMIDAC;
AMERICAN RAILWAYS LLC; GENERAL
RAILWAYS LLC,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted March 26, 2024**

Before: TASHIMA, SILVERMAN, and KOH, Circuit Judges.

Carlton Bryan Loeber appeals pro se from the district court's judgment dismissing his action under the Racketeer Influenced and Corrupt Organizations Act ("RICO"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo

* 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).

a sua sponte dismissal under Federal Rule of Civil Procedure 12(b)(6). *Omar v. Sea-Land Serv., Inc.*, 813 F.2d 896, 991 (9th Cir. 1987). We affirm.

The district court properly dismissed Loeber's action because Loeber failed to allege facts sufficient to state a pattern of racketeering activity causing injury to Loeber's business or property. *See United Bhd. of Carpenters & Joiners of Am. v. Bldg. & Const. Trades Dep't*, 770 F.3d 834, 837 (9th Cir. 2014) (setting forth elements of a civil RICO claim); *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065-66 (9th Cir. 2004) (explaining the heightened pleading standard applicable to civil RICO claims).

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).

All pending requests are denied.

AFFIRMED.