

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 08 2009

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

PIERRE GENEVIER,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,
substituted for State of California
Department of Social Services; et al.,

Defendants - Appellees.

No. 08-55236

D.C. No. CV-07-05548-AG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Andrew J. Guilford, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Pierre Genevier appeals pro se from the district court's order dismissing his Federal Tort Claims Act ("FTCA") action. We have jurisdiction pursuant to 28

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

U.S.C. § 1291. We review de novo dismissal for lack of subject matter jurisdiction. *Brady v. United States*, 211 F.3d 499, 502 (9th Cir. 2000). We affirm.

The district court properly concluded that Genevier’s action was not cognizable under the FTCA because, in response to the defendants’ motion to dismiss, Genevier did not allege any theory of liability under which the defendants would be liable as private individuals. *See United States v. Olson*, 546 U.S. 43, 45-46 (2005) (holding that the FTCA does not apply to actions based on a state law that “imposes liability on municipal or other local governments for the negligence of their agents”); *see also Keenan v. Allan*, 91 F.3d 1275, 1279 (9th Cir. 1996) (stating that the court is not obligated to scour the record in search of potential arguments).

Genevier’s remaining contentions are unpersuasive.

All pending motions are denied as moot.

AFFIRMED.