

AUG 02 2010

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JASON OKON, husband; et al.,

Plaintiffs,

and

BILL STOLLER, on behalf of himself and
all others similarly situated,

Plaintiff - Appellant,

v.

CITY OF PHOENIX, a municipality
incorporated under the laws of Arizona; et
al.,

Defendants - Appellees.

No. 09-16027

D.C. No. 2:09-cv-00347-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Submitted July 19, 2010**

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

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

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Bill Stoller appeals pro se from the district court's judgment dismissing plaintiffs' 42 U.S.C. § 1983 action alleging that defendants promote customs, usages, and practices that discourage the lawful enforcement of federal immigration laws. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Barren v. Harrington*, 152 F.3d 1193, 1994 (9th Cir. 1998) (order). We affirm.

The district court properly concluded that defendants are immune under Arizona law. *See* Ariz. Rev. Stat. Ann. §§ 12-820.01 & 12-801.02 (2010) (providing immunity for public entities and public employees acting within the scope of their employment); *see also AlliedSignal, Inc. v. City of Phoenix*, 182 F.3d 692, 695 (9th Cir. 1999) (a public entity is immune for actions involving the determination of a "fundamental governmental policy"). Moreover, Stoller failed to state an equal protection claim. *See Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) ("[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).

Stoller's remaining contentions are unpersuasive.

AFFIRMED.