

MAR 28 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DENNIS ANDREW BALL, personally
and as Benefactor of the Eleanor R. Ball
IrreLvg Trust 05/10/01,

Plaintiff - Appellant,

v.

CITY OF PEORIA, Both generally and
severally and CITY OF PEORIA POLICE
DEPARTMENT, Both generally and
severally,

Defendants - Appellees.

No. 09-17184

D.C. No. 2:09-cv-00635-LOA

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Lawrence O. Anderson, Magistrate Judge, Presiding**

Submitted March 8, 2011***

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

** The parties consented to the jurisdiction of the magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument, and therefore denies Ball's request. *See* Fed. R. App. P. 34(a)(2).

Before: FARRIS, O'SCANNLAIN, and BYBEE, Circuit Judges.

Dennis Andrew Ball appeals pro se from the district court's judgment dismissing his diversity action against the City of Peoria and its police department. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Doe v. Abbott Labs.*, 571 F.3d 930, 933 (9th Cir. 2009). We affirm.

The district court properly concluded that Ball's state law claims were barred by Arizona's Public Entity Notice of Claim Statute because he failed to file a notice of claim containing "facts sufficient to permit the public entity or public employee to understand the basis upon which liability is claimed." Ariz. Rev. Stat. § 12-821.01(A); see also *Deer Valley Unified Sch. Dist. No. 97 v. Houser*, 152 P.3d 490, 492 (Ariz. 2007) (requiring strict compliance with the statutory requirements of § 12-821.01(A)).

Ball's remaining contentions are unpersuasive.

The Clerk shall file the reply brief submitted on December 20, 2010.

AFFIRMED.