

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 20 2013

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

IHOR CHANDRYCKI JASON,

Plaintiff - Appellant,

v.

GROUP HEALTH COOPERATIVE INC;
et al.,

Defendants - Appellees.

No. 12-35070

D.C. No. 3:11-cv-05697-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted June 10, 2013**

Before: LEAVY, HAWKINS, and BERZON, Circuit Judges.

Ihor Chandrycki Jason appeals pro se from the district court's judgment dismissing his action alleging negligence, inadequate care, false imprisonment, and fraud claims related to the denial of medical care to him as a Medicare patient. We

* 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).

have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1030 (9th Cir. 2008), and may affirm on any ground supported by the record, *Johnson v. Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008). We affirm.

Dismissal of Jason’s action was proper because Jason failed to allege a cognizable claim under the federal Emergency Medical Treatment and Active Labor Act (“EMTALA”), *see Baker v. Adventist Health, Inc.*, 260 F.3d 987, 99-932 (9th Cir. 2001) (medical malpractice is not actionable under the EMTALA), and because there is no private right of action under 18 U.S.C. § 1347, which defines a party’s criminal liability for Medicare fraud, *see Cort v. Ash*, 422 U.S. 66, 78-80 (1975) (“a bare criminal statute, with absolutely no indication that civil enforcement of any kind was available to anyone” does not give rise to an implied civil cause of action).

Jason’s contentions regarding defendants’ allegedly false assertions in their briefs and the district court’s alleged failure to address his pending motion for summary judgment are unpersuasive.

AFFIRMED.