

JUL 31 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JULIANNA AGARDI,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>CITY AND COUNTY OF SAN FRANCISCO,</p> <p style="text-align: center;">Defendant - Appellee.</p>
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No. 12-17776

D.C. No. 3:12-cv-03475-RS

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Richard Seeborg, District Judge, Presiding

Submitted July 22, 2014\*\*

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Julianna Agardi appeals pro se from the district court’s judgment dismissing her action alleging federal racketeering and constitutional violations in connection with defendant’s implementation of Proposition N. We have jurisdiction under 28

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\* 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). Accordingly, Agardi’s request for oral argument is denied.

U.S.C. § 1291. We review de novo a dismissal on the basis of res judicata. *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005). We affirm.

The district court properly dismissed Agardi's action as barred by the doctrine of res judicata because Agardi raised, or could have raised, her claims in a prior state court action. *See Migra v. Warren City Sch. Dist. Bd. of Educ.*, 465 U.S. 75, 81 (1984) (to determine whether a state court judgment would bar an action in federal court, a federal court must apply the res judicata law of the state in which the judgment was entered); *Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles*, 24 Cal. Rptr. 3d 543, 557 (Ct. App. 2004) (setting forth the legal standard for res judicata under California law and noting that "[r]es judicata bars the litigation not only of issues that were actually litigated but also issues that could have been litigated").

Agardi's request to show cause and to order the federal government to appear in this case, filed on October 8, 2013, is denied.

**AFFIRMED.**