

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 8 2014

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

RICHARD MALONEY,

Plaintiff - Appellant,

v.

MARY BETH BLAIR,

Defendant - Appellee.

No. 12-17747

D.C. No. 2:12-cv-01955-JAT

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
James A. Teilborg, District Judge, Presiding

Submitted September 23, 2014\*\*

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Richard Maloney appeals pro se from the district court's judgment in his diversity action alleging state law claims of negligence and breach of oral contract. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's judgment on the pleadings under Fed. R. Civ. P. 12(c). *Berg v. Popham*, 412 F.3d

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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).

1122, 1125 (9th Cir. 2005). We affirm.

The district court properly dismissed Maloney's action because Maloney failed to allege sufficient facts to show negligence or breach of contract. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice."); *Gipson v. Kasey*, 150 P.3d 228, 230 (Ariz. 2007) (elements of negligence claim under Arizona law); *Chartone, Inc. v. Bernini*, 83 P.3d 1103, 1111 (Ariz. Ct. App. 2004) (elements of breach of contract claim under Arizona law).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

**AFFIRMED.**