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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PHILIP C. BIKLE,

Plaintiff - Appellant,

v.

A. SANTOS, Officer, in his individual
capacity; et al.,

Defendants - Appellees.

No. 14-55077

D.C. No. 8:13-cv-01662-DOC-JPR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted June 22, 2015**

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Philip C. Bikle appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action arising out of a traffic citation. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Barrett v. Belleque*, 544 F.3d 1060,

* 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).

1061 (9th Cir. 2008), and we affirm.

The district court properly dismissed Bikle's action as frivolous because Bikle's claims lacked any arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (a "frivolous" claim lacks an arguable basis either in law or in fact; "[the] term 'frivolous' . . . embraces not only the inarguable legal conclusion, but also the fanciful factual allegation"); *see also New York v. Class*, 475 U.S. 106, 114, 117-18 (1986) (there is "no reasonable expectation of privacy" in a vehicle's VIN number under the Fourth Amendment); *cf. In re Arturo D.*, 38 P.3d 433, 450-51 (Cal. 2002) (a police officer's limited search of the vehicle's glove compartment and other areas constituted a reasonable search when the plaintiff was unable to produce a driver's license and registration).

The district court did not abuse its discretion by dismissing Bikle's action without leave to amend because amendment would have been futile. *See Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc) (setting forth standard of review).

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

Bikle's requests for judicial notice, filed on August 28, 2014, are denied.

AFFIRMED.