

DEC 17 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**ABC SAND AND ROCK COMPANY
INCORPORATED,**

Plaintiff - Appellant,

v.

**COUNTY OF MARICOPA;
MARICOPA COUNTY FLOOD
CONTROL DISTRICT; TIMOTHY
PHILLIPS; JANE DOE PHILLIPS;
JACK GUZMAN; JANE DOE
GUZMAN; MIKE JONES; JANE DOE
JONES; ED RALEIGH; JANE DOE
RALEIGH; DEWAYNE JUSTICE;
JANE DOE JUSTICE; MELVIN
MARTIN; JANE DOE MARTIN;
HEMANT PATEL; JANE DOE
PATEL; SCOTT WARD; JANE DOE
WARD; WYLIE BEARUP; JANE DOE
BEARUP; UNKNOWN PARTIES, John
Doe County Employees I-X, Jane Doe
County Employees I-X, John Does I-X,
and Jane Does I-X,**

Defendants - Appellees.

No. 13-17542

D.C. No. 2:13-cv-00058-NVW

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Argued and Submitted December 9, 2015
San Francisco, California

Before: **KOZINSKI, BYBEE** and **CHRISTEN**, Circuit Judges.

The motions to take judicial notice are **GRANTED**.

AFFIRMED with regard to the federal claims for the reasons stated by the district court. The state law claims are **REMANDED** to the district court with instructions to remand to the state court for further proceedings.