

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 30 2015

FOR THE NINTH CIRCUIT

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

PIANGE JACKSON,

Plaintiff - Appellant,

v.

ARGOSY UNIVERSITY, ON-LINE
DIVISION; et al.,

Defendants - Appellees.

No. 14-16538

D.C. No. 2:14-cv-00166-APG-
VCF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Andrew P. Gordon, District Judge, Presiding

Submitted December 9, 2015**

Before: WALLACE, RAWLINSON, and IKUTA, Circuit Judges.

PiAnge Jackson appeals pro se from the district court's judgment dismissing her education discrimination action alleging violations of federal and state law.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal

* 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).

under Fed. R. Civ. P. 12(b)(6) on the basis of res judicata. *Stewart v. U.S.*

Bancorp, 297 F.3d 953, 956 (9th Cir. 2002). We affirm.

The district court properly dismissed Jackson’s action on the basis of res judicata because Jackson raised or could have raised her claims in a prior action against the same defendants, which resulted in an involuntary dismissal with prejudice for failure to comply with a court order directing her to file an amended complaint. *See id.* (discussing the elements of res judicata, and explaining that a dismissal under Fed. R. Civ. P. 41(b) is an “adjudication on the merits” for res judicata purposes).

We reject Jackson’s contentions concerning waiver and defendants’ failure to provide the district court notice of her related action.

Appellees’ request for judicial notice, filed on January 16, 2015, is granted.

AFFIRMED.