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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CRAIG CHARLES PEDEN,  
  
Plaintiff - Appellant,  
  
v.  
  
PATTY MURRAY, Senator; et al.,  
  
Defendants - Appellees.

No. 14-35451

D.C. No. 2:14-cv-00499-JLR

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
James L. Robart, District Judge, Presiding

Submitted February 24, 2016\*\*

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Craig Charles Peden appeals pro se from the district court's judgment in his action arising from events related to a state court proceeding. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii), *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)

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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).

(order), and we affirm.

The district court properly dismissed Peden's action because Peden failed to allege facts sufficient to state a plausible claim for relief. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are to be construed liberally, a plaintiff must present factual allegations sufficient to state a plausible claim for relief). Contrary to Peden's contention that the district court improperly dismissed the action for failure to file a timely amended complaint, the district court reviewed the amended complaint on the merits.

To the extent that Peden sought a writ of mandamus, dismissal of the action was proper because Peden failed to meet any of the requirements for mandamus relief. *See Johnson v. Reilly*, 349 F.3d 1149, 1154 (9th Cir. 2003) (discussing requirements for mandamus relief and noting that "[m]andamus is an extraordinary remedy granted in the court's sound discretion").

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).

All pending motions and requests are denied.

**AFFIRMED.**