

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 5 2017

FOR THE NINTH CIRCUIT

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

JOEL P. ALCARMEN,

Plaintiff-Appellant,

v.

JPMORGAN CHASE & CO., FKA
Washington Mutual Bank; et al.,

Defendants-Appellees.

No. 16-17147

D.C. No. 3:16-cv-04408-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Joel P. Alcarmen appeals pro se from the district court's judgment dismissing his action alleging various federal and state law claims related to foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the basis of res judicata. *Stewart v. U.S. Bancorp*,

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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

The district court properly dismissed Alcarmen's action as barred by the doctrine of res judicata because Alcarmen's claims were raised, or could have been raised, in prior actions between the parties or their privies, and those prior actions resulted in final judgments on the merits. *See Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1077 (9th Cir. 2013) (setting forth elements of res judicata under federal law); *Adam Bros. Farming, Inc. v. County of Santa Barbara*, 604 F.3d 1142, 1148-49 (9th Cir. 2010) (setting forth elements of res judicata under California law).

We do not consider Alcarmen's discovery rule argument because it was raised for the first time on appeal. *See Solis v. Matheson*, 563 F.3d 425, 437 (9th Cir. 2009) (arguments made for the first time on appeal and supported by facts not before the district court are waived).

AFFIRMED.