

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 25 2021

FOR THE NINTH CIRCUIT

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

EDWARD JAMES ARTZ, as Trustee of
The Edward James Artz Trust,

Plaintiff-Appellant,

v.

ROYCE T. FLORA, Maricopa County
Treasurer; et al.,

Defendants-Appellees.

No. 20-16321

D.C. No. 2:20-cv-01195-JZB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Stephen M. McNamee, District Judge, Presiding

Submitted January 20, 2021**

Before: McKEOWN, CALLAHAN, and BRESS, Circuit Judges.

Edward James Artz appeals pro se from the district court's judgment dismissing his action seeking to compel arbitration. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Kilgore v. KeyBank, Nat'l Ass'n*,

* 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).

718 F.3d 1052, 1057 (9th Cir. 2013) (denial of motion to compel arbitration); *Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) (sua sponte dismissal under Fed. R. Civ. P. 12(b)(6)). We affirm.

The district court properly dismissed Artz’s action because Artz failed to allege facts sufficient to state a plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face” (citation and internal quotation marks omitted)); *see also Kilgore*, 718 F.3d at 1058 (Federal Arbitration Act mandates that the district court “shall direct the parties to proceed to arbitration on issues as to which an arbitration agreement has been signed,” and the district court must determine “whether a valid agreement to arbitrate exists” (citations, internal quotation marks, and emphasis omitted)).

We reject as without merit Artz’s contentions that the district court violated his constitutional rights, or otherwise acted with impropriety or gave the appearance of impropriety in its conduct.

Artz’s “motion to obtain sealed document” (Docket Entry No. 8) is denied as unnecessary. *See Fed. R. App. P. 10(a)* (record on appeal includes original papers and exhibits filed in the district court); 9th Cir. R. 30-1.3 (pro se appellant need not file excerpts of record).

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All other pending motions and requests are denied.

AFFIRMED.