

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2019

FOR THE NINTH CIRCUIT

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

WILLIAM F. HOLDNER, DBA Holdner
Farms,

Plaintiff-Appellant,

v.

KATY COBA, Director of the Oregon
Department of Agriculture, in her individual
and official capacity; DICK PEDERSON,
Director of the Oregon Department of
Environmental Quality, in his individual and
his official capacity,

Defendants-Appellees.

No. 18-35605

D.C. No. 3:15-cv-02039-AC

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
John V. Acosta, Magistrate Judge, Presiding**

Submitted April 17, 2019***

Before: McKEOWN, BYBEE, and OWENS, Circuit Judges.

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

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

William F. Holdner, DBA Holdner Farms, appeals pro se from the district court's judgment dismissing without prejudice his 42 U.S.C. § 1983 action arising from the alleged improper regulation of Holdner's former cattle ranch. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's compliance with a mandate. *United States v. Kellington*, 217 F.3d 1084, 1092 (9th Cir. 2000). We affirm.

We previously remanded this case to the district court for it to dismiss Holdner's action without prejudice. *Holdner v. Coba*, 693 F. App'x 613 (9th Cir. July 6, 2017). Under the rule of mandate, the district court lacked authority to consider any other arguments raised by Holdner. *See Stacy v. Colvin*, 825 F.3d 563, 568 (9th Cir. 2016). Holdner repeats these other arguments in this appeal, but our prior ruling constitutes the law of the case. *See id.* at 567.

AFFIRMED.