

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 10 2020

FOR THE NINTH CIRCUIT

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

VISHAL SHARMA,

No. 19-15436

Plaintiff-Appellant,

D.C. No. 3:18-cv-00238-MMD-
CBC

v.

SUBWAY REAL ESTATE, LLC, et al.

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

Submitted February 4, 2020**

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

Vishal Sharma appeals pro se from the district court's judgment dismissing his diversity action alleging claims related to a franchise agreement. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

The district court properly dismissed Sharma's action because the claims

* 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).

Sharma alleged were subject to arbitration. *See Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988) (district court may dismiss an action where the claims alleged are subject to arbitration).

We reject as meritless Sharma's contention that appellees should be held in contempt of court.

We do not consider documents not filed with the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

Appellees' opposed motion to amend the caption is granted. The Clerk is directed to amend the caption on the docket to replace "Doctor's Associates, Inc." with "Doctor's Associates, Inc. n/k/a Doctor's Associates, LLC."

Sharma's opposed motion to file a supplemental brief is denied.

AFFIRMED.