

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 29 2021

FOR THE NINTH CIRCUIT

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

CHRIS GRINDLING,

Plaintiff-Appellant,

v.

LANCE MARKS; et al.,

Defendants-Appellees.

No. 20-16494

D.C. No. 1:20-cv-00096-LEK-KJM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Leslie E. Kobayashi, District Judge, Presiding

Submitted June 21, 2021**

Before: SILVERMAN, WATFORD, and BENNETT, Circuit Judges.

Chris Grindling appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the basis of res judicata. *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir.

* 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).

2005). We affirm.

The district court properly dismissed Grindling's action as barred by the doctrine of res judicata because Grindling alleged nearly identical claims against the same defendants in a prior federal action that resulted in a final judgment on the merits. *See* Fed. R. Civ. P. 41(b) (dismissal for failure to prosecute or comply with a court order "operates as an adjudication on the merits"); *Mpoyo*, 430 F.3d at 987-88 (elements of federal res judicata; claims are identical if they arise from the same transactional nucleus of facts).

The district court did not abuse its discretion by dismissing Grindling's action without leave to amend because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

AFFIRMED.