

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2021

FOR THE NINTH CIRCUIT

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

MIGUEL ILAW,

No. 20-16964

Plaintiff-Appellant,

D.C. No. 3:20-cv-03566-EMC

v.

MEMORANDUM*

LITTLER MENDELSON, PC,

Defendant-Appellee,

and

JOSHUA ZELIG FELDMAN; KARIN
MORGAN COGBILL,

Defendants.

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Miguel Ilaw appeals pro se from the district court's judgment dismissing his

* 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).

42 U.S.C. § 1983 action alleging civil rights violations stemming from Ilaw's employment discrimination lawsuit. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Kwan v. SanMedica Int'l*, 854 F.3d 1088, 1093 (9th Cir. 2017) (dismissal under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim); *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005) (dismissal on the basis of res judicata). We affirm.

The district court properly dismissed Ilaw's claims as barred by the doctrine of res judicata because they had already been raised or could have been raised in Ilaw's prior action in 2013, which was brought against the same defendants and resulted in a final judgment on the merits. *See Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 713 (9th Cir. 2001) (setting forth elements of res judicata).

AFFIRMED.