

NOT FOR PUBLICATION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

JOEL DAVID JOSEPH,

Plaintiff-Appellant,

v.

AMERICAN GENERAL LIFE
INSURANCE COMPANY,

Defendant-Appellee.

No. 20-56213

D.C. No. 3:20-cv-00831-GPC-DEB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gonzalo P. Curiel, District Judge, Presiding

Submitted August 17, 2021**

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

Joel David Joseph appeals pro se from the district court's judgment
dismissing his diversity action stemming from his father's life insurance policy.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Cervantes v.*

* 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). Joseph's requests for oral argument, set forth in the opening and reply briefs, are denied.

Countrywide Home Loans, Inc., 656 F.3d 1034, 1040 (9th Cir. 2011) (dismissal under Federal Rule of Civil Procedure 12(b)(6)); *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 Joseph's action because Joseph's claims were raised, or could have been raised, in Joseph's prior federal action between the parties that resulted in a final judgment on the merits. *See id.* at 987-88 (setting forth elements of res judicata, and explaining this court's transaction test used to determine whether two suits share a common nucleus of operative fact).

AFFIRMED.