

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 22 2021

FOR THE NINTH CIRCUIT

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

IQBAL ASHRAF,

Plaintiff-Appellant,

v.

RELIANCE MOTORS, LLC, Managing
Member of Reliance Motors, LLC; et al.,

Defendants-Appellees.

No. 20-56320

D.C. No. 2:20-cv-08506-JWH-AS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John W. Holcomb, District Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

Iqbal Ashraf appeals pro se from the district court's order dismissing his action alleging various federal and state law claims related to a foreclosure sale.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1). *Colony Cove*

* 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).

Props., LLC v. City of Carson, 640 F.3d 948, 955 (9th Cir. 2011). We affirm.

The district court properly dismissed Ashraf’s action for lack of subject matter jurisdiction because Ashraf failed to allege a federal question or complete diversity of citizenship in his complaint. *See* 28 U.S.C §§ 1331, 1332; *Rivet v. Regions Bank of La.*, 522 U.S. 470, 475 (1998) (to establish jurisdiction under § 1331, a federal question must be “presented on the face of the plaintiff’s properly pleaded complaint” (citation and internal quotation marks omitted)); *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996) (§ 1332 applies only when “the citizenship of each plaintiff is diverse from the citizenship of each defendant”).

The district court did not abuse its discretion by dismissing Ashraf’s complaint 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).

We reject as without merit Ashraf’s contentions that the district court judge was biased against him and violated his constitutional rights.

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

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

Ashraf's request for judicial notice, set forth in the opening brief, is denied.

Ashraf's motion for default judgment (Docket Entry No. 4) is denied.

AFFIRMED.