

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2022

FOR THE NINTH CIRCUIT

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

GUSTAVO ESCAMILLA; GREENWAY
NUTRIENTS, INC.,

Petitioners-Appellants,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

No. 21-55417

D.C. No. 2:21-cv-01910-ODW-JEM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright II, District Judge, Presiding

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

Gustavo Escamilla and Greenway Nutrients, Inc. appeal from the district court's judgment dismissing their action alleging violations of the Crime Victims' Rights Act ("CRVA"), 18 U.S.C. § 3771. We have jurisdiction under 28 U.S.C. § 1291. We may affirm on any basis supported by the record. *Thompson v. Paul*,

* 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).

547 F.3d 1055, 1058-59 (9th Cir. 2008). We affirm.

Appellants' claims under the CVRA are foreclosed by this court's previous order denying appellants' petition for a writ of mandamus, which concluded that "the provisions of 18 U.S.C. § 3771 do not apply to this petition." *See Rebel Oil Co., Inc. v. Atl. Richfield Co.*, 146 F.3d 1088, 1093 (9th Cir. 1998) ("Under the doctrine of 'law of the case,' a court is generally precluded from reconsidering an issue that has already been decided by the same court, or a higher court in the identical case.").

We reject as without merit appellants' contentions that the district court erred by failing to act on allegations of attorney wrongdoing that occurred in a different action, or that Judge Wright was biased.

Appellants' motions to take judicial notice (Docket Entry Nos. 6 and 7) are denied.

AFFIRMED.