

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 25 2022

FOR THE NINTH CIRCUIT

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

ELLEN KRIKORIAN,

Plaintiff-Appellant,

v.

BANK OF AMERICA, N.A., previously
named Bank of America,

Defendant-Appellee.

No. 21-16354

D.C. No. 2:20-cv-02274-DWL

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Dominic Lanza, District Judge, Presiding

Submitted March 16, 2022**

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

Ellen Krikorian appeals pro se from the district court's judgment dismissing her diversity action alleging various claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Pickern v. Pier 1 Imports (U.S.), Inc.*, 457 F.3d 963,

* 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). Krikorian's request for oral argument, set forth in the opening brief, is denied.

968 (9th Cir. 2006) (dismissal under Fed. R. Civ. P. 8); *Cervantes v. United States*, 330 F.3d 1186, 1187 (9th Cir. 2003) (dismissal under Fed. R. Civ. P. 12(b)(6)).

We affirm.

The district court properly dismissed Krikorian's action because, despite being granted multiple opportunities to amend, Krikorian's operative third amended complaint failed to comply with Rule 8. *See* Fed. R. Civ. P. 8(a)(2) (a pleading must contain a short and plain statement of the claim showing that the pleader is entitled to relief); *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996) (complaint does not comport with Rule 8 if "one cannot determine who is being sued, for what relief, and on what theory").

Krikorian's opposed motion for attorney's fees (Docket Entry No. 11) is denied.

AFFIRMED.