

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 27 2022

FOR THE NINTH CIRCUIT

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

NICHOLAS D. STOICA,

No. 21-15279

Plaintiff-Appellant,

D.C. No. 2:19-cv-05288-GMS

v.

MEMORANDUM*

McDONNELL DOUGLAS HELICOPTER
COMPANY; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Nicholas D. Stoica appeals pro se from the district court's judgment dismissing his action alleging various claims in connection with his employment termination. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a

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

dismissal under Federal Rule of Civil Procedure 12(b)(6) on the bases of Eleventh Amendment immunity and the applicable statute of limitations. *Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004). We affirm.

The district court properly dismissed Stoica's claim for wrongful termination against The Boeing Company, successor-in-interest to McDonnell Douglas Helicopter Company, as time-barred because Stoica failed to file his action within one year of the claim's accrual. *See* Ariz. Rev. Stat. § 12-541(4).

The district court properly dismissed Stoica's claims against the Industrial Commission of Arizona as barred by the Eleventh Amendment. *See Krainski v. Nevada ex rel. Bd. of Regents of Nev. Sys. of Higher Educ.*, 616 F.3d 963, 967 (9th Cir. 2010) (explaining that the Eleventh Amendment bars suits against the state or its agencies and applies regardless of the nature of relief sought).

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).

All pending motions and requests are denied.

AFFIRMED.