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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RIPDAMAN NARULA, Plaintiff-Appellant, v. ORANGE COUNTY SUPERIOR COURT; ORANGE COUNTY SHERIFF'S DEPARTMENT; CITY OF LAGUNA NIGUEL; CITY OF SANTA ANA; ARBITRATION FORUMS; CALIFORNIA HIGHWAY PATROL; DOES, 1 thru 20 inclusive, Defendants-Appellees.	No. 21-55974 D.C. No. 8:19-cv-00133-DSF-JC MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted December 7, 2022[**]
San Francisco, California

Before: WALLACE, FERNANDEZ, and SILVERMAN, Circuit Judges.

[*] 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).

Ripdaman Narula appeals pro se from the district court's dismissal of his 42 U.S.C. § 1983 action pursuant to Federal Rules of Civil Procedure 12(b)(6) and 41(b). He also appeals the denials of his motion for reconsideration of the dismissal and his motion for default judgment. We review de novo a dismissal pursuant to Rule 12(b)(6),[1] and we review dismissal pursuant to Rule 41(b), denial of leave to amend, denial of a motion for reconsideration, and denial of a motion for default judgment for abuse of discretion.[2] We affirm.

The district court did not err when it ordered dismissal of Narula's § 1983 claims as to the Orange County Superior Court, the California Highway Patrol (CHP), and Arbitration Forums, Inc. (AFI) pursuant to Rule 12(b)(6). His claims against the Orange County Superior Court were barred by the *Rooker-Feldman*[3]

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[1] *Burgert v. Lokelani Bernice Pauahi Bishop Tr.*, 200 F.3d 661, 663 (9th Cir. 2000).

[2] *United States ex rel. Cafasso v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1058 (9th Cir. 2011) (leave to amend); *United Nat'l Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009) (motion for reconsideration); *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986) (default judgments); *Von Poppenheim v. Portland Boxing & Wrestling Comm'n*, 442 F.2d 1047, 1051 (9th Cir. 1971) (Rule 41(b) dismissal).

[3] *See Carmona v. Carmona*, 603 F.3d 1041, 1050 (9th Cir. 2010); *see also Rooker v. Fidelity Tr. Co.*, 263 U.S. 413, 415–16, 44 S. Ct. 149, 150, 68 L. Ed. 362 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482, 103 S. Ct. 1303, 1315, 75 L. Ed. 2d 206 (1983).

doctrine and the Eleventh Amendment.[4] His claims against the CHP were barred by the Eleventh Amendment. *See Fla. Dep't of Health & Rehab. Servs. v. Fla. Nursing Home Ass'n*, 450 U.S. 147, 149–50, 101 S. Ct. 1032, 1034, 67 L. Ed. 2d 132 (1981) (per curiam). His claims against AFI were barred by arbitral immunity[5] and because AFI is a private company that was not acting under color of state law for purposes of a § 1983 claim.[6] Dismissal with prejudice was not an abuse of discretion because any amendment of these claims would have been futile. *See Gonzalez v. Planned Parenthood of L.A.*, 759 F.3d 1112, 1116 (9th Cir. 2014); *cf. Kroessler v. CVS Health Corp.*, 977 F.3d 803, 815 (9th Cir. 2020).

The district court did not abuse its discretion when it ordered dismissal of Narula's § 1983 action against the Orange County Sheriff's Department, the City of Laguna Niguel, and the City of Santa Ana pursuant to Rule 41(b). After the district court's dismissal of those claims pursuant to Rule 12(b)(6), Narula repeatedly refused to obey the order directing him to either file an amended complaint, voluntarily dismiss his action without prejudice, or inform the court of

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[4] *See Simmons v. Sacramento Cnty. Superior Ct.*, 318 F.3d 1156, 1161 (9th Cir. 2003); U.S. Const. amend. XI.

[5] *See Sacks v. Dietrich*, 663 F.3d 1065, 1069–70 (9th Cir. 2011); *cf. United States v. City of Hayward*, 36 F.3d 832, 838 (9th Cir. 1994); *Wasyl, Inc. v. First Boston Corp.*, 813 F.2d 1579, 1581–82 (9th Cir. 1987).

[6] *Marsh v. County of San Diego*, 680 F.3d 1148, 1158 (9th Cir. 2012).

his intent to stand on the initial complaint. Over the course of a year, the district court granted Narula multiple extensions of time to comply with the order, each time informing him of the possibility of dismissal if he refused. Finally, the district court dismissed the action, citing the public's interest in expeditious resolution of litigation, the court's need to manage its docket, the risk of prejudice to the defendants, and the inadequacy of less drastic sanctions. *See Allen ex rel. Allen v. Bayer Corp. (In re Phenylpropanolamine (PPA) Prods. Liab. Litig.)*, 460 F.3d 1217, 1226 (9th Cir. 2006). Even considering Narula's pro se status, the dismissal was not an abuse of discretion. *See Fendler v. Westgate-Cal. Corp.*, 527 F.2d 1168, 1169–70 (9th Cir. 1975) (per curiam); *cf. Applied Underwriters, Inc. v. Lichtenegger*, 913 F.3d 884, 891–92 (9th Cir. 2019); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992).

Denial of the motion for reconsideration was proper. The district court did not abuse its discretion in dismissing Narula's § 1983 action pursuant to Rule 41(b), and Narula did not present the district court with new evidence or argue that there was an intervening change in controlling law. *See United Nat'l Ins.*, 555 F.3d at 780.

The district court's denial of Narula's motion for default judgment against AFI was also proper. The *Eitel* factors weighed in favor of denial, and Narula does

not argue otherwise. *See Eitel*, 782 F.2d at 1471–72; *see also Padgett v. Wright*, 587 F.3d 983, 985, 985 n.2 (9th Cir. 2009) (per curiam).

AFFIRMED.