

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2023

FOR THE NINTH CIRCUIT

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

DAVONNE WILLIAMS,

No. 22-15945

Plaintiff-Appellant,

D.C. No. 2:21-cv-01760-DWL

v.

MEMORANDUM*

WALTER RATTRAY, Owner/Founder
Church on the Street; TOMMY BARNETT,
Owner/Founder The Phoenix Dream Center;
CHURCH ON THE STREET, Religious
Organization/ COTS - named in caption of
First Amended Complaint as Church on the
Streets; DREAM CITY CHURCH; CITY
HELP INCORPORATED OF PHOENIX,
Charitable Organization,

Defendants-Appellees.

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

Submitted May 16, 2023**

Before: BENNETT, MILLER, and VANDYKE, 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).

Davonne Williams appeals pro se from the district court’s judgment dismissing his action alleging various federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court’s dismissal under Federal Rule of Civil Procedure 12(b)(6). *In re Finjan Holdings, Inc.*, 58 F.4th 1048, 1052 (9th Cir. 2023). We affirm.

The district court properly dismissed Williams’s action because Williams failed to allege facts sufficient to state any plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face” (citation and internal quotation marks omitted)); *Somers v. Apple, Inc.*, 729 F.3d 953, 960 (9th Cir. 2013) (determining dismissal “under Rule 12(b)(6) is proper when the complaint either (1) lacks a cognizable legal theory or (2) fails to allege sufficient facts to support a cognizable legal theory”).

The district court did not abuse its discretion in denying 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 for review and explaining that leave to amend may be denied where amendment would be futile).

We reject as unsupported by the record Williams’s contention that the district court did not explain how Williams’s first amended complaint failed to state a claim or why further amendment would be futile.

We do not consider 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 are denied.

AFFIRMED.