

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2023

FOR THE NINTH CIRCUIT

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

KAYLA NORINE ELLIS,

No. 22-35537

Plaintiff-Appellant,

D.C. No. 3:22-cv-00256-YY

v.

MEMORANDUM*

VIAL FOTHERINGHAM LLP,

Defendant-Appellee.

Appeal from the United States District Court
for the District of Oregon
Michael H. Simon, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Kayla Norine Ellis appeals pro se from the district court's judgment dismissing her action alleging claims under the Family Medical Leave Act and state law. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal under Federal Rule of Civil Procedure 12(b)(6). *Puri v.*

* 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).

Khalsa, 844 F.3d 1152, 1157 (9th Cir. 2017). We affirm.

The district court properly dismissed Ellis's action as barred by res judicata because Ellis previously brought the same claims against the same defendant in a federal action that resulted in a final judgment on the merits. *See Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987-88 (9th Cir. 2005) (setting forth elements of res judicata under federal law).

AFFIRMED.