

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 18 2023

FOR THE NINTH CIRCUIT

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

GERARD BELL,

Plaintiff-Appellant,

v.

WASHINGTON SUPREME COURT;
WASHINGTON COURT OF APPEALS,
Division II; PIERCE COUNTY SUPERIOR
COURT; CITY OF TACOMA,

Defendants-Appellees.

No. 23-35017

D.C. No. 3:22-cv-05613-DGE

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
David G. Estudillo, District Judge, Presiding

Submitted October 10, 2023**

Before: S.R. THOMAS, McKEOWN, and HURWITZ, Circuit Judges.

Gerard Bell appeals pro se from the district court's judgment denying his request to proceed in forma pauperis ("IFP") and dismissing his 42 U.S.C. § 1983 action alleging due process and other claims. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review for an abuse of discretion the denial of leave to proceed IFP. *Tripathi v. First Nat'l Bank & Tr.*, 821 F.2d 1368, 1369 (9th Cir. 1987). We affirm.

The district court did not abuse its discretion in denying Bell's request to proceed IFP because Bell failed to allege facts in his proposed amended complaint sufficient to state a plausible claim against the defendants. *See id.* at 1370 ("A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit."); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that, 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)).

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).

We do not consider documents not filed with the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

AFFIRMED.