

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 30 2024

FOR THE NINTH CIRCUIT

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

DAVE WAYNE ERLANSON, Sr.,

No. 22-35894

Plaintiff-Appellant,

D.C. No. 4:22-cv-00091-DCN

v.

MEMORANDUM\*

U.S. ENVIRONMENTAL PROTECTION  
AGENCY,

Defendant-Appellee.

Appeal from the United States District Court  
for the District of Idaho  
David C. Nye, District Judge, Presiding

Submitted April 22, 2024\*\*

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

Dave Wayne Erlanson, Sr., appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his 42 U.S.C. § 1983 action against the United States Environmental Protection Agency. We review de novo, *Prather v. AT&T, Inc.*, 847 F.3d 1097, 1102 (9th Cir. 2017), and we affirm.

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\* 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).

The district court properly dismissed Erlanson's action for lack of subject matter jurisdiction because Erlanson failed to establish that the United States waived its sovereign immunity. *See Jachetta v. United States*, 653 F.3d 898, 908 (9th Cir. 2011) (explaining that 42 U.S.C. § 1983 does not waive sovereign immunity for United States agencies).

**AFFIRMED.**