

NOT FOR PUBLICATION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

MUSTAFA ANSARI,

Plaintiff-Appellant,

v.

DEPARTMENT OF EMPLOYMENT,
TRAINING AND REHABILITATION;
SHANNA JUDIE,

Defendants-Appellees.

No. 23-15718

D.C. No. 2:22-cv-00561-GMN-NJK

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted April 22, 2024**

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

Mustafa Ansari appeals pro se from the district court's judgment dismissing his mandamus action brought under 28 U.S.C. § 1361. We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether the elements of mandamus are

* 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).

satisfied. *Johnson v. Reilly*, 349 F.3d 1149, 1154 (9th Cir. 2003). We may affirm on any basis supported by the record. *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008). We affirm.

Denial of Ansari's petition for writ of mandamus was proper because Ansari may not seek federal mandamus against a state agency. *See* 28 U.S.C. § 1361 (stating that mandamus relief may be sought against an officer, employee, or agency of the United States). Further, Ansari did not demonstrate a clear and certain claim to unemployment benefits. *See Johnson*, 349 F.3d at 1154 (setting forth the elements for mandamus relief).

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 presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

Appellees' motion to expand the record on appeal (Docket Entry No. 14) is denied as unnecessary.

AFFIRMED.