

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 23 2024

FOR THE NINTH CIRCUIT

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

PHILLIP SANDERS,

No. 23-15288

Plaintiff-Appellant,

D.C. No. 1:22-cv-00251-ADA-SKO

v.

MEMORANDUM\*

JD HOME RENTALS; LANCE ARMOR,  
Attorney for JD Home Rentals; R. LOPEZ,  
Warden, Deputy Clerk - Fresno Superior  
Court, Civil Limited Division; VANESSA  
HERNANDEZ, Process Server; BRYCE  
HOVANNISIAN; LINDAY BEDRODIA,

Defendants-Appellees.

Appeal from the United States District Court  
for the Eastern District of California  
Ana de Alba, District Judge, Presiding

Submitted July 16, 2024\*\*

Before: SCHROEDER, VANDYKE, and KOH, Circuit Judges.

Phillip Sanders appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action related to his eviction. We have jurisdiction under 28

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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).

U.S.C. § 1291. We review de novo the district court’s dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Sanders’s claims against R. Lopez on the basis of quasi-judicial immunity because Sanders failed to allege facts sufficient to show that the tasks Lopez performed were not “an integral part of the judicial process.” *Mullis v. U.S. Bankr. Court for Dist. of Nev.*, 828 F.2d 1385, 1390 (9th Cir. 1987) (explaining quasi-judicial immunity doctrine).

The district court properly dismissed Sanders’s claims against JD Home Rentals, Lance Armor, Bryce Hovannisian, and Linday Bedrodia because Sanders failed to allege facts sufficient to show that these defendants acted under color of state law. *See Chudacoff v. Univ. Med. Ctr. of S. Nev.*, 649 F.3d 1143, 1149 (9th Cir. 2011) (elements of § 1983 action); *Price v. State of Hawaii*, 939 F.2d 702, 707-08 (9th Cir. 1991) (explaining state action requirement and that private parties are generally not state actors).

The district court did not abuse its discretion in denying Sanders’s motion to disqualify Judge Drozd because Sanders failed to show extrajudicial bias or prejudice. *See Thomassen v. United States*, 835 F.2d 727, 732 (9th Cir. 1987)

(setting forth standard of review and requirements to prevail on a disqualification motion).

The district court did not abuse its discretion in dismissing Sanders's second amended complaint without further leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile); *Chodos v. West Publ'g Co.*, 292 F.3d 992, 1003 (9th Cir. 2002) (a district court's discretion to deny leave to amend is particularly broad when it has already granted leave to amend).

We lack jurisdiction to consider the district court's denial of Sanders's motion for reconsideration because Sanders failed to file a separate or amended notice of appeal. *See Fed. R. App. P. 4(a)(4)(B)(ii)*.

We reject as unsupported by the record Sanders's contentions that the district court ignored his third amended complaint and that the magistrate judge made improper dispositive rulings.

Sanders's request for oral argument, set forth in his opening brief, is denied.

**AFFIRMED.**