

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 18 2025

FOR THE NINTH CIRCUIT

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

MICHAEL MUTHEE MUNYWE,

Plaintiff-Appellant,

v.

MARY ROBNETT, Prosecuting Attorney; et
al.,

Defendants-Appellees.

No. 22-35786

D.C. No. 3:21-cv-05604-RSM

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted April 18, 2025**
San Francisco, California

Before: WALLACE, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Appellant Michael Munywe appeals pro se from the district court's dismissal of his 28 U.S.C. § 1983 civil rights complaint. We have jurisdiction under 28 U.S.C. § 1291. We review dismissals for improper claim-splitting for

* 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).

abuse of discretion, *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880, 904 (2008), but whether two actions involve the same claims and parties is a question of law we review de novo, *Mendoza v. Amalgamated Transit Union Int'l*, 30 F.4th 879, 886 (9th Cir. 2022). We affirm.

The district court did not err in dismissing Munywe's complaint as duplicative. *See Adams*, 487 F.3d at 689 (“in assessing whether the second action is duplicative of the first, we examine whether the causes of action and relief sought, as well as the parties or privies to the action, are the same”; listing the criteria for ascertaining whether causes of action are the same, the most important of which is “whether the two suits arise out of the same transactional nucleus of facts”).

AFFIRMED.