

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 9 2025

FOR THE NINTH CIRCUIT

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

CURTIS L. DOWNING,

Plaintiff - Appellant,

v.

Mr. AARON DARNELL FORD
Esquire; STEVE SISOLAK; BRIAN
SANDOVAL; Mr. ADAM PAUL
LAXALT; STEVEN B. WOLFSON,

Defendants - Appellees.

No. 23-2058

D.C. No. 2:23-cv-00156-ART-BNW

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Anne R. Traum, District Judge, Presiding

Submitted August 19, 2025**

Before: SILVERMAN, HURWITZ, and BADE, Circuit Judges.

Curtis L. Downing appeals pro se from the district court's judgment
dismissing his action challenging the constitutionality of a 1951 Nevada statute

* 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).

creating a statute revision commission. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal 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 Downing’s action because Downing failed to allege facts sufficient to state a plausible claim. *See* 28 U.S.C. § 1915(e)(2)(ii) (requiring dismissal of a case where it “fails to state a claim on which relief may be granted”); *Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are construed liberally, a plaintiff must allege facts sufficient to state a plausible claim); *see also* Fed. R. Civ. P. 3 (“A civil action is commenced by filing a complaint with the court.”); Fed. R. Civ. P. 5.1 (setting forth requirements when a party challenges the constitutionality of a statute).

The district court did not abuse its discretion in denying Downing’s motion for relief from judgment because Downing failed to demonstrate any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for relief under Rule 60(b)).

The motion (Docket Entry No. 18) for judicial notice is denied.

AFFIRMED.