

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 28 2026

FOR THE NINTH CIRCUIT

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

ERROL STEWART TIERNEY; JAMES  
IGNATIUS DIAMOND,

Plaintiffs - Appellants,

v.

STATE OF CALIFORNIA, as a Foreign  
State; STATE BAR OF CALIFORNIA,  
named as California Bar Association,  
political subdivision of the State; SAN  
BERNARDINO COUNTY SUPERIOR  
COURT; ROB BONTA, Attorney General  
California,

Defendants - Appellees.

No. 24-6465

D.C. No. 5:24-cv-01979-SVW-PD

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Stephen V. Wilson, District Judge, Presiding

Submitted January 22, 2026\*\*

Before: WARDLAW, CLIFTON, and R. NELSON, Circuit Judges.

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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).

Errol Stewart Tierney and James Ignatius Diamond appeal pro se from the district court's judgment dismissing for lack of subject matter jurisdiction their action seeking a writ of quo warranto against California officials. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Seismic Reservoir 2020, Inc. v. Paulsson*, 785 F.3d 330, 333 (9th Cir. 2015). We affirm.

The district court properly dismissed appellants' action because appellants failed to establish federal subject matter jurisdiction. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89, 104 (1998) (explaining that the party invoking federal jurisdiction has the burden to establish its existence and that an action may be dismissed for lack of subject matter jurisdiction where the alleged federal claim is "wholly insubstantial and frivolous" or "otherwise completely devoid of merit as not to involve a federal controversy" (citations and internal quotation marks omitted)).

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).

Appellants' motion (Docket Entry Nos. 13, 14) for a stay is denied.

**AFFIRMED.**