

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 30 2026

FOR THE NINTH CIRCUIT

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

ERIC ANDREW BARTHA,

Plaintiff - Appellant,

v.

STATE OF ARIZONA,

Defendant - Appellee.

No. 25-2943

D.C. No.

2:24-cv-02478-ROS--JZB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted July 29, 2026**

Before: McKEOWN, TALLMAN, and MENDOZA, JR., Circuit Judges.

Former Arizona state prisoner Eric Andrew Bartha appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising from the miscalculation of his presentence credits following his probation revocation. We have jurisdiction under 28 U.S.C. § 1291.

* 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).

We review de novo. *Sato v. Oragne County Dep't. of Educ.*, 861 F.3d 923, 928 (9th Cir. 2017) (Eleventh Amendment immunity); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)). We affirm.

The district court properly dismissed Bartha's action against the State of Arizona as barred by Eleventh Amendment immunity. *See Crowe v. Oregon State Bar*, 989 F.3d 714, 730 (9th Cir. 2021) ("Eleventh Amendment bars . . . federal suits against unconsenting states . . . regardless of the nature of the relief sought." (citation and internal quotation marks omitted)); *see also Will v. Mich. Dep't. of State Police*, 491 U.S. 58, 71 (1989) ("[N]either a State nor its officials acting in their official capacities are 'persons' under § 1983.").

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).

AFFIRMED.