

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2026

FOR THE NINTH CIRCUIT

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

IRWIN JACOBOWITZ; PEARL H.
JACOBOWITZ; DAKOTA DUSTY
ZEIGERMAN JACOBOWITZ;
MONTANA JACOBOWITZ; ARIZONA
JACOBOWITZ,

Plaintiffs - Appellants,

v.

VOLUNTEERS OF AMERICA, doing
business as Volunteers of America Los
Angeles Orange County and VOA in
Orange County; BOB PRATT; SYLVIA
VALDIVIA; JESUS TORRES,

Defendants - Appellees,

and

JOHN AND JANE DOES,

Defendant.

No. 25-3336

D.C. No.

2:24-cv-03402-DSF-KS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Irwin Jacobowitz, Pearl H. Jacobowitz, Dakota Dusty Zeigerman-Jacobowitz, Arizona Jacobowitz, and Montana Jacobowitz (collectively “plaintiffs”) appeal pro se from the district court’s summary judgment in their 42 U.S.C. § 1983 action alleging federal and state law claims arising from their eviction from a program that helps veterans obtain housing. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Lima v. United States Dep’t of Educ.*, 947 F.3d 1122, 1125 (9th Cir. 2020). We affirm.

The district court properly granted summary judgment on plaintiffs’ § 1983 claim because plaintiffs failed to raise a genuine dispute of material fact as to whether defendants are state actors. *See Caviness v. Horizon Cmty. Learning Ctr., Inc.*, 590 F.3d 806, 811-16 (9th Cir. 2010) (explaining that § 1983 “excludes from its reach merely private conduct, no matter how discriminatory or wrongful,” and discussing requirements for a private organization to be considered a state actor under § 1983 (citation omitted)).

The district court did not abuse its discretion in converting defendants’ motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c)

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

to a motion for summary judgment. *See* Fed. R. Civ. P. 12(d) (“If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56.”); *Hamilton Materials, Inc. v. Dow Chem. Corp.*, 494 F.3d 1203, 1206 (9th Cir. 2007) (standard of review).

The district court did not abuse its discretion in declining to exercise supplemental jurisdiction over plaintiffs’ state law claims. *See Lima*, 947 F.3d at 1128 (“Because no federal claims remain, the district court did not abuse its discretion by declining to exercise supplemental jurisdiction over Plaintiff’s state-law claim.”); *Easton v. Crossland Mortg. Corp.*, 114 F.3d 979, 982 (9th Cir. 1997) (“[I]n order for a complaint to state a claim ‘arising under’ federal law, it must be clear from the face of the plaintiff’s well-pleaded complaint that there is a federal question.” (citation omitted)).

The district court did not abuse its discretion in declining to enter default against Jesus Torres because plaintiffs did not proffer any evidence that they served or attempted to serve Torres. *See Pau v. Yosemite Park & Curry Co.*, 928 F.2d 880, 885 (9th Cir. 1991) (standard of review).

All pending motions are denied.

AFFIRMED.