

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2026

FOR THE NINTH CIRCUIT

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

MICHAEL C. GONCALVES,

Plaintiff - Appellant,

v.

PETE HEGSETH, Secretary of Defense;
DANIEL DRISCOLL, Secretary of Army;
JODY J. DANIELS, Lieutenant General;
THOMAS L. ADAMS, Jr.; UNITED
STATES DEPARTMENT OF LABOR,

Defendants - Appellees.

No. 24-7859

D.C. No. 2:24-cv-01985-DJC-AC

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Daniel J. Calabretta, District Court, Presiding

Submitted August 25, 2026**

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

Michael C. Goncalves appeals pro se from the district court's judgment
dismissing his action arising from a Freedom of Information Act ("FOIA") request.

* 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 have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (a dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Pickern v. Pier 1 Imports (U.S.), Inc.*, 457 F.3d 963, 968 (9th Cir. 2006) (compliance with Federal Rule of Civil Procedure 8). We affirm.

The district court properly dismissed Goncalves's action because the complaint was indecipherable. *See* 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring dismissal of a complaint filed in forma pauperis if the action fails to state a claim); Fed. R. Civ. P. 8(a)(2) (providing that a pleading must contain “a short and plain statement of the claim showing that the pleader is entitled to relief”).

The district court did not abuse its discretion by dismissing Goncalves's complaint without leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

AFFIRMED.