

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 28 2026

FOR THE NINTH CIRCUIT

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

EBER G. RUTH,

Plaintiff - Appellant,

v.

LOUISIANA-PACIFIC CORPORATION,

Defendant - Appellee.

No. 25-943

D.C. No. 3:24-cv-06673-TLT

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Trina L. Thompson, District Judge, Presiding

Submitted August 25, 2026**

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

Eber G. Ruth appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims related to asbestos exposure. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2). *Watison v. Carter*, 668 F.3d

* 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).

1108, 1112 (9th Cir. 2012). We may affirm on any ground supported by the record. *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008). We affirm.

The district court properly dismissed Ruth’s federal claim because Ruth failed to allege facts sufficient to state any plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that to avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face” (citation and internal quotation marks omitted)); *see also* 15 U.S.C. § 2619 (setting forth requirements for Toxic Substances Control Act citizen suit).

Dismissal of Ruth’s negligence claim was proper because a court may decline to exercise supplemental jurisdiction over a state law claim when all original jurisdiction claims are dismissed. *See* 28 U.S.C. § 1367(c)(3); *Dyack v. N. Mariana Islands*, 317 F.3d 1030, 1037-38 (9th Cir. 2003).

All pending motions are denied.

AFFIRMED.