

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 1 2026

FOR THE NINTH CIRCUIT

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

DAVID MARTIN,

Plaintiff - Appellant,

v.

ODS COMMUNITY DENTAL; SKYLINE
ORAL FACIAL AND DENTAL
IMPLANT SURGERY; CAREOREGON;
MODA HEALTH PLAN, INC.; OREGON
HEALTH AUTHORITY; DOJ - OFFICE
OF THE UNITED STATES ATTORNEY -
DISTRICT OF OREGON; OFFICE OF
THE ATTORNEY GENERAL; PACER
SERVICE CENTER; HEALTH SHARE OF
OREGON; JANE DOE, "Amy"; DOES, 1-
50,

Defendants - Appellees.

No. 26-3101

D.C. No. 3:26-cv-00298-AB

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon

Amy M. Baggio, District Judge, Presiding

Submitted August 25, 2026**

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

* 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).

David Martin appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims arising out of the denial of health insurance coverage. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (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 Martin's action because his second amended complaint failed to comply with Rule 8. *See* Fed. R. Civ. P. 8(a)(2) (a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief"); *Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981) (explaining that a complaint that is "verbose, confusing and conclusory" violates Rule 8).

The district court did not abuse its discretion by dismissing without leave to amend because amendment would be 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); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) (explaining that "the district court's discretion to deny leave to amend is particularly broad where plaintiff has previously amended the

complaint” (citation 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).

Martin’s motion (Docket Entry No. 13) to proceed in forma pauperis is denied as unnecessary because Martin’s in forma pauperis status from the district court carries over to this appeal. All other pending motions and requests are denied.

AFFIRMED.