EXHIBIT A

NOT FOR PUBLICATION

FILED

AUG 27 2021

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DARYOUSH JAVAHERI, Plaintiff-Appellant, v. U.S. BANK, N.A., as Trustee for LSF9 Master Participation Trust; DOES, 1 through 100, inclusive, Defendants-Appellees.	No. 20-56079 D.C. No. 2:20-cv-07204-ODW-RAO MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright II, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Daryoush Javaheri appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims arising from foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo.

* 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).

Puri v. Khalsa, 844 F.3d 1152, 1157 (9th Cir. 2017) (dismissal under Federal Rule of Civil Procedure 12(b)(6)); *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005) (dismissal on the basis of res judicata). We affirm.

The district court properly dismissed Javaheri's action as barred by the doctrine of res judicata because Javaheri's claims were raised, or could have been raised. in his prior federal action, which involved parties in privity, and resulted in a final judgment on the merits. *See id.* at 987-88 (elements of federal res judicata; claims are identical if they arise from the same transactional nucleus of facts).

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.

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