

# Appendix A

**NOT FOR PUBLICATION**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

DEC 24 2024

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

EASTON MURRAY,

No. 23-15791

Plaintiff-Appellant,

D.C. No. 4:22-cv-00360-RM

and

MEMORANDUM\*

CLAUDIUS MURRAY,

Plaintiff,

v.

ARIZONA, STATE OF; PIMA, COUNTY  
OF; DISTRICT ATTORNEY'S OFFICE,  
named as Office of the District Attorney;  
JOSEPH THOMAS MAZIARZ; AMY  
THORSON; BARBARA LaWALL; CHRIS  
WARD; LAURA CONOVER,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Arizona  
Rosemary Márquez, District Judge, Presiding

Submitted December 17, 2024\*\*

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\* 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).*

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

Easton Murray appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims arising out of a state court criminal proceeding. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal under Federal Rule of Civil Procedure 12(b)(6). *Patel v. City of Montclair*, 798 F.3d 895, 897 (9th Cir. 2015). We may affirm on any ground supported by the record. *Jones v. Allison*, 9 F.4th 1136, 1139 (9th Cir. 2021). We affirm.

The district court properly dismissed Murray's individual capacity claims against defendants LaWall, Ward, Maziarz, and Thorson as barred by prosecutorial immunity. *See Garmon v. County of Los Angeles*, 828 F.3d 837, 842-43 (9th Cir. 2016) (explaining that prosecutors are entitled to absolute immunity when performing functions "intimately associated with the judicial phase of the criminal process" (citation and internal quotation marks omitted)).

The district court properly dismissed Murray's official capacity claims against Pima County, the District Attorney's Office, Ward, and Conover because Murray failed to allege facts sufficient to show that he suffered a constitutional violation as a result of an official policy or custom. *See Lockett v. County of Los Angeles*, 977 F.3d 737, 741 (9th Cir. 2020) (discussing requirements to establish municipal liability under *Monell v. Department of Social Services*, 436 U.S. 658

(1978)).

Dismissal of Murray's official capacity claims against the State of Arizona, Maziarz, and Thorson was proper because these claims are barred by the Eleventh Amendment. *See Krainski v. Nevada ex rel. Bd. of Regents of Nevada Sys. of Higher Educ.*, 616 F.3d 963, 967 (9th Cir. 2010) (explaining that the Eleventh Amendment bars suits against a state as well as state officials sued in their official capacities).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Murray's opposed motion for judicial notice (Docket Entry No. 31) is denied as unnecessary.

**AFFIRMED.**

# Appendix B

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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**  
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9 Easton Murray,

**NO. CV-22-00360-TUC-RM**

10 Plaintiff,

**JUDGMENT OF DISMISSAL IN A**  
**CIVIL CASE**

11 v.

12 State of Arizona, et al.,

13 Defendants.

14  
15 **Decision by Court.** This action came for consideration before the Court. The  
16 issues have been considered and a decision has been rendered.

17 IT IS ORDERED AND ADJUDGED that pursuant to the Court's Order filed May  
18 15, 2023, judgment of dismissal is entered. Plaintiff to take nothing, and the complaint  
19 and action are dismissed without prejudice.

20 Debra D. Lucas

21 District Court Executive/Clerk of Court

22 May 15, 2023

23 By s/ J. McCarthy  
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Deputy Clerk