

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 15 2021

FOR THE NINTH CIRCUIT

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

LOUIS J. JEAN-LOUIS, Relator; ex rel.
United States of America,

Plaintiff-Appellant,

v.

CITY OF RIVERSIDE; et al.,

Defendants-Appellees.

No. 19-55175

D.C. No.

5:17-cv-00379-AG-AS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Andrew J. Guilford, District Judge, Presiding

Submitted June 11, 2021**
Pasadena, California

Before: MURGUIA, BADE, and LEE, Circuit Judges.

Plaintiff-Appellant and relator below Louis J. Jean-Louis (“Jean-Louis”) appeals the district court’s dismissal of his complaint without leave to amend and without prejudice to the interests of the United States. We have jurisdiction

* 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).

pursuant to 28 U.S.C. § 1291, and we affirm.

Jean-Louis argues for the first time on appeal that the district court erred in dismissing his claims based on the doctrine of res judicata because California's public interest exception to res judicata applies. "Generally, arguments not raised in the district court will not be considered for the first time on appeal." *In re Mortg. Elec. Registration Sys., Inc.*, 754 F.3d 772, 780 (9th Cir. 2014). We see no reason to depart from our general practice here, especially considering Jean-Louis' failure to offer any explanation for his delay in raising the argument. In any event, even assuming California preclusion law applies, we are unconvinced that this case falls within the "extremely narrow" public interest exception to res judicata contemplated by California law. *Arcadia Unified Sch. Dist. v. State Dep't of Educ.*, 825 P.2d 438, 442 (Cal. 1992).

AFFIRMED.