

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 1 2026

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

LANCE DELON ALVARADO,

Plaintiff - Appellant,

v.

CALIFORNIA UNEMPLOYMENT  
INSURANCE APPEALS BOARD and  
CALIFORNIA EMPLOYMENT  
DEVELOPMENT DEPARTMENT,

Defendants - Appellees.

No. 24-2049

D.C. No.

2:23-cv-03041-TLN-CSK

Eastern District of California,  
Sacramento

MANDATE

The judgment of this Court, entered November 18, 2025, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

**NOT FOR PUBLICATION**

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LANCE DELON ALVARADO,

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INSURANCE APPEALS  
BOARD; CALIFORNIA EMPLOYMENT  
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D.C. No. 2:23-cv-03041-TLN-CSK

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Troy L. Nunley, District Judge, Presiding

Submitted November 12, 2025\*\*

Before: SCHROEDER, RAWLINSON, and NGUYEN, Circuit Judges.

Lance Delon Alvarado appeals pro se from the district court's judgment  
dismissing his action alleging federal and state law claims against state agencies

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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).

arising from the denial of pandemic unemployment assistance benefits. 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)(B)(ii) and for an abuse of discretion a dismissal as frivolous under § 1915(e)(2)(B)(i). *Denton v. Hernandez*, 504 U.S. 25, 33 (1992); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Alvarado’s action because Alvarado failed to allege facts sufficient to state any plausible claim, and because several of Alvarado’s claims were legally frivolous. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (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)); *Brewster v. Bd. of Educ. of Lynwood Unified Sch. Dist.*, 149 F.3d 971, 982 (9th Cir. 1998) (setting forth the elements of a procedural due process claim); *see also Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (explaining that a complaint “is frivolous where it lacks an arguable basis either in law or in fact”).

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).

All pending motions and requests are denied.

**AFFIRMED.**