

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 30 2017

FOR THE NINTH CIRCUIT

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

LAMONT JOHNSON,

Plaintiff-Appellant,

v.

WACHOVIA BANK, N.A.; et al.,

Defendants-Appellees.

No. 12-17393

D.C. No. 2:10-cv-02839-GEB-
CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Lamont Johnson appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims related to the foreclosure of his properties. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a denial of a motion for leave to file an amended complaint. *See*

* 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).

Cervantes v. Countrywide Home Loans, Inc., 656 F.3d 1034, 1041 (9th Cir. 2011).

We affirm.

The district court did not abuse its discretion in denying Johnson’s motion for leave to file a second amended complaint because the proposed amendments would have been futile. *See Gardner v. Martino*, 563 F.3d 981, 990, 992 (9th Cir. 2009) (no abuse of discretion in denying leave to amend where the proposed amendment would be futile).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009); *see also Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . .”).

We reject as without merit Johnson’s contentions that the district court demonstrated bias and failed to afford him sufficient time to submit a proposed second amended complaint.

Johnson’s request for judicial notice, filed on April 2, 2013, is denied.

AFFIRMED.