

APR 19 2016

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY DOWNS,

Plaintiff - Appellant,

v.

CALIFORNIA ATTORNEY GENERAL,

Defendant - Appellee.

No. 14-15669

D.C. No. 2:12-cv-03057-MCE-  
CKD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Morrison C. England, Jr., Chief Judge, Presiding

Submitted April 13, 2016\*\*

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

California state prisoner Gregory Downs appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging various federal claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with a court order, *Pagtalunan v.*

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Galaza*, 291 F.3d 639, 640 (9th Cir. 2002), and we affirm.

Downs failed to address the district court's dismissal for failure to comply with a court order in his opening brief, and has therefore waived this issue on appeal. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e review only issues which are argued specifically and distinctly in a party's opening brief.” (citation and internal quotation marks omitted)).

The district court did not abuse its discretion in denying Downs's motion for disqualification of the magistrate judge because Downs's disagreement with the magistrate judge's rulings does not provide a basis for recusal. *See United States v. Johnson*, 610 F.3d 1138, 1147 (9th Cir. 2010) (“[J]udicial rulings or information acquired by the court in its judicial capacity will rarely support recusal.”); *Pesnell v. Arsenault*, 543 F.3d 1038, 1043 (9th Cir. 2008) (setting forth standard of review and grounds for recusal under 28 U.S.C. §§ 144 and 455(a)).

The district court did not abuse its discretion by denying Downs's motion for appointment of counsel because Downs failed to demonstrate exceptional circumstances. *See Cano v. Taylor*, 739 F.3d 1214, 1218 (9th Cir. 2014) (setting forth standard of review and requirements for appointment of counsel).

The district court did not abuse its discretion in denying Downs's motion to amend the judgment because Downs failed to establish any grounds for relief. *See*

*Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for granting reconsideration).

Because the district court dismissed Downs's action for failure to comply with court orders, we do not consider Downs's contentions regarding the merits of his complaint.

All pending motions and requests are denied.

**AFFIRMED.**