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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PAUL ALEC MONJE,

Plaintiff-Appellant,

v.

EQUIFAX; et al.,

Defendants-Appellees.

No. 14-55421

D.C. No. 5:12-cv-00497-GHK-
DTB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Paul Alec Monje appeals pro se from the district court's judgment dismissing without prejudice his action, alleging violations of the Fair Credit Reporting Act, as to Equifax. 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

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes these cases are suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

order. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion in dismissing Monje’s action without prejudice as to Equifax because Monje failed to respond to an order to show cause why the action as to Equifax should not be dismissed, despite a warning that failure to comply would result in dismissal of his action. *See id.* at 1260-61 (9th Cir. 1992) (setting forth factors to consider before dismissing an action for failure to comply with a court order and holding that the district court’s dismissal should not be disturbed absent “a definite and firm conviction” that it “committed a clear error of judgment” (citation and internal quotation marks omitted)).

The district court did not abuse its discretion in denying Monje’s motions for reconsideration of the district court’s order dismissing Monje’s action without prejudice as to Equifax because Monje did not demonstrate any basis for reconsideration. *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 bases for granting motion for reconsideration).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on

appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.