

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 7 2016

FOR THE NINTH CIRCUIT

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

JULIAN ARI SHULMAN, on his own
behalf and on behalf of all others similarly
situated,

Plaintiff-Appellant,

v.

AMAZON.COM, INC.; et al.,

Defendants-Appellees.

No. 15-35017

D.C. No. 2:13-cv-00247-RSM

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, Chief Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Julian Ari Shulman appeals from the district court's order denying his
motions for relief from final judgment in his action under the Family Medical

* 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). Accordingly, Shulman's
request for oral argument, set forth in his reply brief, is denied.

Leave Act. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying Shulman's motion for relief from judgment because Shulman failed to demonstrate any grounds for such relief based on his new evidence. *See* Fed. R. Civ. P. 60(b)(2); *see also* *Coastal Transfer Co. v. Toyota Motor Sales, U.S.A.*, 833 F.2d 208, 212 (9th Cir. 1987) (setting forth grounds for reconsideration under Rule 60(b)(2)).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We lack jurisdiction to review Shulman's challenges to the district court's order granting Amazon's motion to dismiss because Shulman failed to file a timely notice of appeal or a timely post-judgment tolling motion after the district court entered judgment on May 30, 2013. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed within 30 days after entry of judgment); *see also Whitaker v. Garcetti*, 486 F.3d 572, 585 (9th Cir. 2007).

AFFIRMED.