

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 21 2017

FOR THE NINTH CIRCUIT

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

DEAN MARTIN KIDDER, II,

No. 15-55595

Plaintiff-Appellant,

D.C. No. 2:14-cv-06218-SVW-E

v.

MEMORANDUM*

LOS ANGELES COUNTY; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Dean Martin Kidder, II, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Balvage v.*

Ryderwood Improvement & Serv. Ass'n, Inc., 642 F.3d 765, 775 (9th Cir. 2011).

* 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).

We affirm.

The district court properly entered a stipulated judgment in favor of defendants because Kidder failed to raise a genuine dispute of material fact as to whether the deputy did not have reasonable suspicion to execute the traffic stop or probable cause to conduct the automobile search. *See United States v. Willis*, 431 F.3d 709, 714-16 (9th Cir. 2005) (no Fourth Amendment violation where officer has reasonable suspicion that a traffic violation occurred); *United States v. Pinela-Hernandez*, 262 F.3d 974, 977-78 (9th Cir. 2001) (police may conduct a warrantless search of a vehicle if they have probable cause to believe that it contains contraband).

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.