NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT STEVEN MAWHINNEY, Plaintiff-Appellant, v. AMERICAN AIRLINES, INC. Defendant-Appellee.	No. 16-55006 D.C. No. 3:15-cv-00259-MMA-BLM MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Michael M. Anello, District Judge, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Robert Steven Mawhinney appeals pro se from the district court's judgment denying his petition to vacate an arbitration award entered against him and granting American Airlines, Inc's petition to confirm the award. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Collins v. D.R. Horton,*

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* 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).

Inc., 505 F.3d 874, 879 (9th Cir. 2007). We affirm.

The district court properly denied Mawhinney's petition to vacate the arbitration award because Mawhinney's allegations of arbitrator misconduct, and his disagreements with the arbitration process and result, failed to demonstrate any of the statutory grounds for vacating the award under 9 U.S.C. § 10. *See Kyocera Corp. v. Prudential-Bache Trade Servs., Inc.*, 341 F.3d 987, 997-98 (9th Cir. 2003) (en banc) ("Neither erroneous legal conclusions nor unsubstantiated factual findings justify federal court review of an arbitral award under the statute, which is unambiguous in this regard."); *see also U.S. Life Ins. Co. v. Superior Nat'l Ins. Co.*, 591 F.3d 1167, 1175 (9th Cir. 2010) ("Arbitrators enjoy wide discretion to require the exchange of evidence, and to admit or exclude evidence, how and when they see fit." (citation and internal quotation marks omitted)).

The district court did not abuse its discretion by denying Mawhinney's motion to alter or amend the judgment because Mawhinney failed to establish any basis for such 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 reconsideration under Fed. R. Civ. P. 59(e)).

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).

Mawhinney's requests to supplement the record, set forth in his reply brief, are denied.

AFFIRMED.