

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 3 2017

FOR THE NINTH CIRCUIT

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

JOHNNY M. LAWRENCE,

No. 17-16119

Plaintiff-Appellant,

D.C. No. 2:16-cv-00762-JCM-VCF

v.

MEMORANDUM\*

JAMIE KRAHNE; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Nevada  
James C. Mahan, District Judge, Presiding

Submitted September 26, 2017\*\*

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Johnny M. Lawrence appeals pro se from the district court's judgment in his 42 U.S.C. § 1983 action alleging claims related to prior state court proceedings.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a denial of a motion for default judgment. *DIRECTV, Inc. v. Huynh*, 503

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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).

F.3d 847, 852 (9th Cir. 2007). We affirm.

The district court did not abuse its discretion in denying Lawrence's motions for default judgment because Lawrence never properly served the summons and complaint on defendants. *See Crowley v. Bannister*, 734 F.3d 967, 974-75 (9th Cir. 2013) ("A federal court is without personal jurisdiction over a defendant unless the defendant has been served in accordance with Fed. R. Civ. P. 4." (citation and internal quotation marks omitted)).

We do not consider the district court's dismissal of Lawrence's action for insufficient service of process because Lawrence does not raise this issue in his opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) ("This court will not ordinarily consider matters on appeal that are not specifically and distinctly raised and argued in appellant's opening brief." (citation and internal quotation marks omitted)).

We do not consider the merits of Lawrence's claims because the district court did not address them.

**AFFIRMED.**