

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 22 2018

FOR THE NINTH CIRCUIT

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

BILLY PUNCHARD,

Plaintiff-Appellant,

v.

U.S. BUREAU OF LAND
MANAGEMENT; et al.,

Defendants-Appellees.

No. 17-16567

D.C. No. 4:17-cv-00148-JGZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Jennifer G. Zips, District Judge, Presiding

Submitted March 13, 2018**

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

Billy Punchard appeals pro se from the district court's judgment dismissing his action arising from a mining lease located in New Mexico. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion dismissal as a sanction under Fed. R. Civ. P. 11. *Sneller v. City of Bainbridge*

* 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).

Island, 606 F.3d 636, 638 (9th Cir. 2010). We affirm.

The district court did not abuse its discretion by dismissing Punchard's action as a Rule 11 sanction because Punchard failed to comply with Fed. R. Civ. P. 8. *See* Fed. R. Civ. P. 8(a)(1) (requiring "short and plain statement of the claim"); Fed. R. Civ. P. 11(b) (by presenting a pleading to the court, unrepresented party certifies that it is not being presented for an improper purpose and that the claims are legally and factually supported).

We reject as meritless Punchard's contentions regarding the timeliness of defendant Luna County New Mexico Board of Commission's answering brief, the denial of Punchard's "Praecipe Motion for Corrections," and the district court's warnings that he may be subject to future sanctions for filing actions with obvious defects.

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.