

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 5 2017

FOR THE NINTH CIRCUIT

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

ALBERT L. BARNES, Sr.,

No. 17-70193

Petitioner,

v.

MEMORANDUM*

U.S. SECURITIES & EXCHANGE
COMMISSION,

Respondent.

On Petition for Review of an Order of the
Securities & Exchange Commission

Submitted September 26, 2017**

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

Albert L. Barnes, Sr. petitions pro se for review of an order of the Securities and Exchange Commission (“Commission”) denying a whistleblower award. We have jurisdiction under to 15 U.S.C. § 76u-6(f). We deny the petition.

The Commission properly denied Barnes a whistleblower award because

* 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).

Barnes did not “provide[] original information to the Commission that led to the successful enforcement” of the subject covered action. 15 U.S.C. § 78u-6(b)(1) (the Commission shall pay an award to a whistleblower who provides original information to the Commission that leads to the successful enforcement of a covered action); *id.* at § 78u-6(a)(1), (6) (defining covered action and whistleblower); *id.* § 76u-6(f) (setting forth standard of review).

We lack jurisdiction to consider Barnes’ contentions regarding the Commission’s pending determinations of whistleblower awards for other covered actions.

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).

All pending motions and requests are denied.

DENIED.