

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 16 2020

FOR THE NINTH CIRCUIT

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

STATE OF CALIFORNIA,

No. 20-15345

Plaintiff-Appellee,

D.C. No. 2:19-cv-00560-KJM-DB

v.

MEMORANDUM\*

MICHAEL INGRAM EL,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of California  
Kimberly J. Mueller, District Judge, Presiding

Submitted September 8, 2020\*\*

Before: TASHIMA, SILVERMAN, and OWENS, Circuit Judges.

Michael Ingram El appeals pro se from the district court's order remanding his case to California Superior Court for lack of subject matter jurisdiction. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's decision to remand a removed case. *Patel v. Del Taco, Inc.*, 446 F.3d 996, 998

---

\* 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).

(9th Cir. 2006). We affirm.

The district court properly remanded Ingram El's action to state court because Ingram El failed to establish that the state court could not enforce his rights and because Ingram El has not identified a California statute or constitutional provision that purports to command the state court to ignore his federal civil rights. *See id.* at 998-99 (two-part test for removal under 28 U.S.C. § 1443(1)).

We reject as unsupported by the record Ingram El's contentions that the district court denied him due process.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**