

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2021

FOR THE NINTH CIRCUIT

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

PATRICIA HARDING MORRISON,

No. 21-15277

Plaintiff-Appellant,

D.C. No. 2:14-cv-01207-RFB-BNW

v.

MEMORANDUM*

QUEST DIAGNOSTICS INC.; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Richard F. Boulware II, District Judge, Presiding

Submitted December 14, 2021**

Before: WALLACE, CLIFTON, and HURWITZ, Circuit Judges.

Patricia Harding Morrison appeals pro se from the district court's order denying her post-judgment motion to reopen her diversity action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th

* 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).

Cir. 1993). We affirm.

The district court did not abuse its discretion in denying Morrison's motion to reopen the action because the motion was filed more than one year after entry of judgment. *See* Fed. R. Civ. P. 60(c)(1); *Nevitt v. United States*, 886 F.2d 1187, 1188 (9th Cir. 1989) (motion for relief from judgment based on newly discovered evidence must be made within one year after judgment was entered).

We do not consider Morrison's contentions regarding the district court's denial of her prior post-judgment motions because Morrison failed to file a timely notice of appeal of these post-judgment orders. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed within 30 days from judgment).

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).

Morrison's supplemented motion for injunctive relief (Docket Entry Nos. 28 and 29) is denied.

AFFIRMED.