

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 24 2022

FOR THE NINTH CIRCUIT

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

WILLIE T. SMITH,

No. 21-16042

Plaintiff-Appellant,

D.C. No. 3:20-cv-00501-JAD-CLB

v.

MEMORANDUM*

AARON FORD; JAMES DZURENDA; C.
DANIELS; B. WILLIAMS; J. NASH; W.
GITTERE; D. DRUMMOND; W.
REUBART; S. MOYLE; T. SANDOVAL; J.
BARTH; D. SOUTHWORTH; W. MOORE;
MARY SHAKAYLA, St.; THRASHER,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Jennifer A. Dorsey, District Judge, Presiding

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Nevada state prisoner Willie T. Smith appeals pro se from the district court's order denying his motion for injunctive relief in his 42 U.S.C. § 1983 action

* 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).

alleging various constitutional claims. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion. *Arc of Cal. v. Douglas*, 757 F.3d 975, 983 (9th Cir. 2014). We affirm.

The district court did not abuse its discretion in denying Smith’s motion for a temporary restraining order and preliminary injunction because Smith failed to demonstrate that such relief is warranted. *See id.* (requiring a plaintiff seeking preliminary injunction to establish that he is likely to succeed on the merits, he is likely to suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in his favor, and an injunction is in the public interest).

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).

Appellees’ request for summary affirmance, set forth in the answering brief, is denied.

AFFIRMED.