

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2022

FOR THE NINTH CIRCUIT

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

COLLEEN MARIE COURTNEY,

No. 21-16654

Plaintiff-Appellant,

D.C. No. 1:18-cv-01244-DAD-SAB

v.

MEMORANDUM\*

KILOLO KIJAKAZI, Acting Commissioner  
of Social Security,

Defendant-Appellee.

Appeal from the United States District Court  
for the Eastern District of California  
Dale A. Drozd, District Judge, Presiding

Submitted December 8, 2022\*\*

Before: WALLACE, TALLMAN, and BYBEE, Circuit Judges.

Colleen Marie Courtney appeals pro se from the district court’s judgment dismissing as moot her action alleging that the Social Security Administration (“SSA”) improperly adjusted her Supplemental Security Income benefits to recoup alleged overpayments. We have jurisdiction under 28 U.S.C. § 1291. We review

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\* 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).

de novo questions of mootness. *Nat. Res. Def. Council v. County of Los Angeles*, 840 F.3d 1098, 1102 (9th Cir. 2016). We affirm.

The district court properly dismissed as moot Courtney’s action alleging unauthorized recovery of overpayments because on December 1, 2020 the SSA issued letters of decision waiving recoupment of the overpayments at issue and refunded all overpayments that had previously been recouped. *See Alvarez v. Hill*, 667 F.3d 1061, 1064 (9th Cir. 2012) (“A claim is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.” (citation and internal quotation marks omitted)); *Ruiz v. City of Santa Maria*, 160 F.3d 543, 549 (9th Cir. 1998) (“The basic question in determining mootness is whether there is a present controversy as to which effective relief can be granted.” (citation and internal quotation marks omitted)).

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).

Courtney’s motion for summary affirmance (Docket Entry No. 16) and motion to strike (Docket Entry No. 19) are denied.

**AFFIRMED.**