

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2021

FOR THE NINTH CIRCUIT

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

DONALD GRANT,

No. 21-35290

Plaintiff-Appellant,

D.C. No. 6:20-cv-00070-BMM

v.

MEMORANDUM*

ANNETTE CARTER; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submitted November 8, 2021**

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

Montana state prisoner Donald Grant appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal claims regarding his parole. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Hamilton v. Brown*, 630 F.3d 889, 892 (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. 2011). We affirm.

The district court properly dismissed Grant's action because Grant failed to allege facts sufficient to show that defendants denied him his right to a parole hearing. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are liberally construed, plaintiff must allege sufficient facts to state a plausible claim); *see also Texas v. United States*, 523 U.S. 296, 300 (1998) (claim is not ripe if it rests upon future events that may not occur).

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).

Grant's request for judicial notice, set forth in the opening brief, is denied.

AFFIRMED.