NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEBBIE DANCER, Plaintiff-Appellant, v. SEATTLE HEMPFEST, Seattle Events, Defendant-Appellee.	No. 21-35799 D.C. No. 3:20-cv-00288-SLG-DMS MEMORANDUM[*]

Appeal from the United States District Court
for the District of Alaska
Sharon L. Gleason, District Judge, Presiding

Submitted November 15, 2022[**]

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

Debbie Dancer appeals pro se from the district court's summary judgment in her diversity action alleging state law tort claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Oswalt v. Resolute Indus., Inc.*, 642 F.3d 856, 859 (9th Cir. 2011). We affirm.

[*] 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).

The district court properly granted summary judgment because Dancer failed to raise a genuine dispute of material fact as to whether Seattle Hempfest was vicariously liable for the conduct of non-defendants Nordica Friedrich and Niki Raapana on social media. *See Harris v. Keys*, 948 P.2d 460, 464 (Alaska 1997) ("Under Alaska law, an agency relation exists only if there has been a manifestation of the principal to the agent that the agent may act on his account and consent by the agent to so act." (citation and internal quotation marks omitted)); *see also City of Delta Junction v. Mack Truck, Inc.*, 670 P.2d 1128, 1130 (Alaska 1983) (explaining that it is the principal's conduct that gives rise to liability and that the burden is on the plaintiff to prove that the principal was responsible for the appearance of authority).

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

AFFIRMED.