NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NANCY CAROLYN WOOD, Plaintiff-Appellant, v. CITY OF SANTA ANA; et al., Defendants-Appellees.	No. 21-56050 D.C. No. 8:18-cv-00643-SVW-ADS MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted December 8, 2022[**]

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

Nancy Carolyn Wood appeals pro se from the district court's judgment dismissing her 42 U.S.C. § 1983 action alleging various claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Colony Cove Props., LLC v. City of Carson*, 640

[*] 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).

F.3d 948, 955 (9th Cir. 2011). We affirm.

The district court properly dismissed Wood's action because Wood failed to allege facts sufficient to state a plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678, 681 (2009) (to avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face" and conclusory allegations are not entitled to be assumed true (citation and internal quotation marks omitted)); *Garmon v. County of Los Angeles*, 828 F.3d 837, 842-43 (9th Cir. 2016) (prosecutors are "absolutely immune from § 1983 actions when performing functions intimately associated with the judicial phase of the criminal process" (citation and internal quotation marks omitted)); *Whitaker v. Garcetti*, 486 F.3d 572, 581 (9th Cir. 2007) (municipality is liable if it "had a deliberate policy, custom, or practice that was the moving force behind the constitutional violation" (citation and internal quotation marks omitted)); *Franklin v. Fox*, 312 F.3d 423, 441 (9th Cir. 2002) (plaintiff alleging a § 1983 conspiracy must show "an agreement or meeting of the minds to violate constitutional rights" (citation and internal quotation marks omitted)); *Woodrum v. Woodward County, Okla.*, 866 F.2d 1121, 1126 (9th Cir. 1989) (§ 1983 conspiracy requires more than conclusory allegations).

The district court did not abuse its discretion by denying further leave to amend because amendment would have been futile. *See Cervantes v. Countrywide*

Home Loans, Inc., 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that leave to amend may be denied when amendment would be futile); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) ("[T]he district court's discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint." (citation and internal quotation marks omitted)).

We reject as unsupported by the record Wood's contentions that the district court was biased against her or erred by conducting a de novo review of the magistrate judge's recommendations.

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

All pending motions and requests are denied.

AFFIRMED.