

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 24 2023

FOR THE NINTH CIRCUIT

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

NEIL SCOTT,

Plaintiff-Appellant,

v.

MERRICK B. GARLAND, Attorney  
General; CISCO AGUILAR, Secretary of  
State of Nevada,

Defendants-Appellees.

No. 22-16355

D.C. No. 2:21-cv-01473-RFB-DJA

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Richard F. Boulware II, District Judge, Presiding

Submitted July 18, 2023\*\*

Before: SCHROEDER, RAWLINSON, and BADE, Circuit Judges.

Neil Scott appeals pro se from the district court's judgment dismissing for lack of standing his action brought under 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

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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).

We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Meland v. WEBER*, 2 F.4th 838, 843 (9th Cir. 2021). We affirm.

The district court properly dismissed Scott’s action because Scott failed to allege facts sufficient to establish an injury in fact or how the asserted injury is attributable to either defendant. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992) (constitutional standing requires an “injury in fact,” causation between the injury and the defendant’s conduct, and redressability; “injury in fact” refers to “an invasion of a legally protected interest which is (a) concrete and particularized . . . and (b) actual or imminent, not conjectural or hypothetical” (citation and internal quotation marks omitted)).

We reject as meritless Scott’s contentions that the district court erred in failing to rule on his motions for entry of default and summary judgment.

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

The Clerk will file the opening brief submitted at Docket Entry No. 4.

Scott’s motions for appointment of counsel (Docket Entry Nos. 2, 3, and 6) are denied.

**AFFIRMED.**