

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2023

FOR THE NINTH CIRCUIT

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

BENJAMIN WOODHOUSE, A Citizen of
the United States, Resident of the U.S. Virgin
Islands,

Plaintiff-Appellant,

v.

UNITED STATES GOVERNMENT; et al.,

Defendants-Appellees.

No. 22-55636

D.C. No. 2:22-cv-00285-CAS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted May 16, 2023**

Before: BENNETT, MILLER, and VANDYKE, Circuit Judges.

Benjamin Woodhouse appeals pro se from the district court's judgment dismissing his action under a pre-filing vexatious litigant order and for failure to state a claim. We have jurisdiction under 28 U.S.C. § 1291. We review for an

* 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).

abuse of discretion a dismissal under a pre-filing vexatious litigant order, *In re Fillbach*, 223 F.3d 1089, 1090-91 (9th Cir. 2000), and de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6), *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We affirm.

The district court did not abuse its discretion by dismissing Woodhouse's claims against Nike, Inc., Meta Platforms, Inc., and Gibson, Dunn, & Crutcher, LLP because Woodhouse's complaint was within the scope of the district court's pre-filing vexatious litigant orders, and Woodhouse failed to comply with the pre-filing requirements. *See Weissman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999) ("District courts have the inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation. Such pre-filing orders may enjoin the litigant from filing further actions or papers unless he or she first meets certain requirements" (citation omitted)).

The district court properly dismissed Woodhouse's claims against Alphabet, Inc. because Woodhouse failed to allege facts sufficient to state any plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678, 681 (2009) (a claim has facial plausibility when the plaintiff pleads factual content allowing the reasonable inference that a defendant is liable for the misconduct alleged; conclusory allegations are not entitled to the presumption of truth); *United Bhd. of Carpenters & Joiners of Am. v. Bldg. & Constr. Trades Dep't, AFL-CIO*, 770 F.3d 834, 837

(9th Cir. 2014) (setting forth elements of a claim under the Racketeer Influenced and Corrupt Organizations Act); *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (explaining that there is no private right of action for obstruction of justice), *overruled in part on other grounds by Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012).

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).

Woodhouse's motion to take judicial notice (Docket Entry No. 19) is denied.

All pending requests in the briefing are denied.

AFFIRMED.