

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 2 2017

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

GUILLERMO VERA,

Plaintiff-Appellant,

v.

CONNIE GIPSON, Warden,

Defendant-Appellee.

No. 16-16420

D.C. No. 1:13-cv-00870-AWI-MJS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted May 24, 2017**

Before: THOMAS, Chief Judge, and SILVERMAN, and RAWLINSON,
Circuit Judges.

Guillermo Vera, a California state prisoner, appeals pro se from the district court's order denying his motion for relief from judgment following the dismissal of his 42 U.S.C. § 1983 action alleging an Eighth Amendment violation. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Casey*

* 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).

v. Albertson's Inc., 362 F.3d 1254, 1257 (9th Cir. 2004), and we affirm.

The district court did not abuse its discretion by denying Vera's motion because Vera did not identify any grounds for relief from the judgment. *See* Fed. R. Civ. P. 60(b); *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009) (setting forth grounds for relief).

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).

AFFIRMED.