

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 6 2020

FOR THE NINTH CIRCUIT

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

JEFFREY ANTHONY FRANKLIN,

Plaintiff-Appellant,

v.

G. D. LEWIS, Warden; et al.,

Defendants-Appellees.

No. 17-16147

D.C. No. 4:13-cv-03777-YGR

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Yvonne Gonzalez Rogers, District Judge, Presiding

Submitted February 4, 2020**

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

Jeffrey Anthony Franklin, a California state prisoner, appeals pro se from the district court's summary judgment in his action alleging federal and state law claims arising from the alleged withholding of his legal mail. We have jurisdiction under 28 U.S.C. § 1291. 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).

In his opening brief, Franklin fails to challenge specifically any of the grounds for the district court's summary judgment. Therefore, Franklin has waived any challenge to summary judgment. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e review only issues which are argued specifically and distinctly in a party's opening brief.” (citation and internal quotation marks omitted)); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1993) (issues not supported by argument in pro se appellant's opening brief are waived).

We do not consider Franklin's arguments relating to his motion for reconsideration because that issue is outside the scope of this appeal.

AFFIRMED.