

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 20 2018

FOR THE NINTH CIRCUIT

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

ROBERT DEAN GRIFFIN,

Plaintiff-Appellant,

v.

ROBERT HERZOG, Deputy Director
Superintendent; et al.,

Defendants-Appellees.

No. 17-35937

D.C. No. 3:17-cv-05394-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted September 12, 2018**

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Robert Dean Griffin, a Washington state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging various constitutional violations. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with court

* 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).

orders. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion by dismissing Griffin's action because Griffin failed to file an amended complaint that complied with the district court's pleading instructions or indicate that he intended to stand on a prior complaint. *See id.* at 1260-61 (setting forth factors for determining whether a pro se action should be dismissed for failure to comply with the district court's orders).

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).

Griffin's motion for summary judgment (Docket Entry No. 22) and motion for appointment of counsel (Docket Entry No. 29) are denied.

AFFIRMED.