

NOT FOR PUBLICATION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

RAYMOND A. MONTES, Jr.,

No. 17-56146

Plaintiff-Appellant,

D.C. No. 5:15-cv-01846-JGB-DTB

v.

MEMORANDUM*

DESERT COMMUNITY COLLEGE
DISTRICT; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Jesus G. Bernal, District Judge, Presiding

Submitted September 12, 2018**

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

Raymond A. Montes, Jr., appeals pro se from the district court's order denying his post-judgment motion for a new trial under Federal Rule of Civil Procedure 59(a), following a jury verdict in his disability discrimination action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

* 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).

discretion. *Kode v. Carlson*, 596 F.3d 608, 612 (9th Cir. 2010). We affirm.

The district court did not abuse its discretion by denying Montes's motion for a new trial because Montes failed to set forth any basis for such relief. *See Crowley v. Epicept Corp.*, 883 F.3d 739, 751 (9th Cir. 2018) (setting forth grounds for a new trial under Rule 59(a)).

The district court did not abuse its discretion in its evidentiary rulings regarding the Engebretson note or the Maldonado letter. *See* Fed. R. Evid. 408 (evidence of an offer to compromise is not admissible to prove or disprove the validity of a disputed claim), 801(c) (hearsay inadmissible if offered in evidence to prove the truth of the matter asserted in the statement); *Wagner v. County of Maricopa*, 747 F.3d 1048, 1052 (9th Cir. 2013) (standard of review).

We do not consider issues 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.