

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 27 2019

FOR THE NINTH CIRCUIT

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

MICHAEL MOSHE PERRY, AKA Moshe  
Michael A. Perry,

Plaintiff-Appellant,

v.

PATRICK DALEE, COO, Dupure Int'l, Eco  
Water; et al.,

Defendants-Appellees.

No. 18-56530

D.C. No. 2:18-cv-08091-FMO-  
MRW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Fernando M. Olguin, District Judge, Presiding

Submitted September 18, 2019\*\*

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

Michael Moshe Perry's motion to proceed in forma pauperis (Docket Entry No. 3) is granted. The Clerk will file the opening brief submitted at Docket Entry No. 4.

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\* 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).

Perry appeals pro se from the district court's order denying him in forma pauperis status and dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal under 28 U.S.C. § 1915(e)(2)(B), *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order), and we affirm.

In his opening brief, Perry fails to argue how the district court erred in dismissing his complaint for failure to comply with Federal Rule of Civil Procedure 8. Perry has thus waived his challenge to the district court's dismissal. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not actually argued in appellant’s opening brief.”); *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); *see also Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . .”).

The district court did not abuse its discretion in denying Perry’s motion to reassign his case to another judge because Perry did not demonstrate his case was not randomly assigned. *See Glick v. Edwards*, 803 F.3d 505, 508 (9th Cir. 2015) (standard of review).

The district court did not abuse its discretion in denying Perry’s motion for reconsideration because Perry failed to establish any basis for such relief. *See Sch.*

*Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and setting forth grounds for reconsideration).

In light of this disposition, we do not consider the merits of Perry's arguments regarding his claims or his remaining contentions.

**AFFIRMED.**