

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 5 2020

FOR THE NINTH CIRCUIT

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

AMERICAN AIRLINES, INC.,

No. 19-55566

Petitioner-Appellee,

D.C. No. 3:18-cv-00731-BTM-
WVG

v.

ROBERT STEVEN MAWHINNEY,

MEMORANDUM*

Respondent-Appellant.

Appeal from the United States District Court
for the Southern District of California
Barry Ted Moskowitz, District Judge, Presiding

Submitted June 2, 2020**

Before: LEAVY, PAEZ, and BENNETT, Circuit Judges.

Robert Steven Mawhinney appeals pro se from the district court's judgment granting American Airlines, Inc.'s petition to confirm an arbitration award. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Johnson v. Gruma Corp.*, 614 F.3d 1062, 1065 (9th Cir. 2010). 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, Mawhinney challenges only the propriety of the decision to compel arbitration of his claim for whistleblowing retaliation, brought under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR21”), 49 U.S.C. § 42121. However, the order compelling arbitration of his AIR21 claim has already been affirmed in *American Airlines, Inc. v. Mawhinney*, 904 F.3d 1114 (9th Cir. 2018).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.