

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 14 2022

FOR THE NINTH CIRCUIT

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

RATA BEY MENIOOH,

No. 21-16234

Plaintiff-Appellant,

D.C. No. 3:21-cv-02840-SI

v.

MEMORANDUM*

TWO JINN, INC., DBA Aladdin Bail Bonds,
Real Party in Interest; CHARLES ELI
BLASIGAME; JOYCE D. HINRICHS;
SUPERIOR COURT; COUNTY OF
HUMBOLDT; MTA MULLEN, Humboldt
County Correctional Officer; SWIM,
Humboldt County Correctional Officer; L.
MYERS, Humboldt County Correctional
Officer; WILLIAM F. HONSAL, Humboldt
County Sheriff,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Submitted December 8, 2022**

Before: WALLACE, TALLMAN, and BYBEE, Circuit Judges.

* 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).

Rata Bey Meniooh appeals pro se from the district court's judgment dismissing his 42 U.S.C. §§ 1983 and 1985 action alleging various constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)); *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010) (dismissal under Federal Rule of Civil Procedure 12(b)(6)). We affirm.

The district court properly dismissed Meniooh's claims against defendants Judge Hinrichs and Humbolt County Superior Court on the basis of Eleventh Amendment immunity. *See Ass'n des Eleveurs de Canards et d'Oies du Quebec v. Harris*, 729 F.3d 937, 943 (9th Cir. 2013) (discussing Eleventh Amendment immunity).

The district court properly dismissed Meniooh's claims against the remaining defendants because Meniooh failed to allege facts sufficient to show that he filed his action within the two-year statute of limitations. *See Canatella v. Van De Kamp*, 486 F.3d 1128, 1132 (9th Cir. 2007) (for § 1983 claims, federal courts apply the forum state's statute of limitations; California's statute of limitations is two years for personal injury actions.).

The district court did not abuse its discretion by dismissing Meniooh's action without leave to amend because amendment would have been futile. *See Serra v. Lappin*, 600 F.3d 1191, 1200 (9th Cir. 2010) (setting forth standard of

review and factors for determining whether to grant leave to amend).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments or allegations raised for the first time on appeal.

See Padgett v. Wright, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.