

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 21 2022

FOR THE NINTH CIRCUIT

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

A. EDWARD EZOR,

Plaintiff-Appellant,

v.

JACKIE LACEY, District Attorney of the
County of Los Angeles, State of California;
et al.,

Defendants-Appellees.

No. 21-55383

D.C. No. 2:19-cv-04020-JVS-AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted April 11, 2022**

Before: McKEOWN, CHRISTEN, and BRESS, Circuit Judges.

A. Edward Ezor appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action arising out of his criminal prosecution. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *ReadyLink Healthcare*,

* 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).

Inc. v. State Comp. Ins. Fund, 754 F.3d 754, 758 (9th Cir. 2014) (abstention under *Younger v. Harris*, 401 U.S. 37 (1971)); *Engbretson v. Mahoney*, 724 F.3d 1034, 1037 (9th Cir. 2013) (dismissal on the basis of immunity). We affirm.

The district court properly dismissed Ezor’s claims against defendant Judge Veals as barred by judicial immunity. *See Wolfe v. Strankman*, 392 F.3d 358, 366 (9th Cir. 2004) (section 1983 “contemplates judicial immunity from suit for injunctive relief for acts taken in a judicial capacity”).

The district court properly dismissed Ezor’s claims against defendants Howick and Lacey for monetary relief as barred by prosecutorial immunity, and Ezor’s claims for injunctive and declaratory relief as barred by *Younger v. Harris*. *See ReadyLink Healthcare, Inc.*, 754 F.3d at 758 (setting forth requirements for *Younger* abstention in civil cases); *Cousins v. Lockyer*, 568 F.3d 1063, 1068 (9th Cir. 2009) (setting forth the scope of prosecutorial immunity as to § 1983 claims).

The district court did not abuse its discretion in denying Ezor’s motions to recuse District Judge Selna, District Judge Klausner, and Magistrate Judge Rosenberg because Ezor failed to demonstrate that a reasonable person would believe that the judges’ impartiality could be questioned. *See United States v. Hernandez*, 109 F.3d 1450, 1453 (9th Cir. 1997) (setting forth standard of review and discussing standard for recusal).

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).

Defendant Howick and Lacey's motion for judicial notice (Docket Entry No. 16) is granted.

AFFIRMED.