FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OCT 30 2023

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

RAUL ARELLANO,	No. 21-56348
Plaintiff-Appellant,	D.C. No. 3:18-cv-02391-BTM-WVG
v.	
MICHAEL BALBIN SANTOS, Primary Care Provider; CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES; DANIEL PARAMO, Warden; CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION,	MEMORANDUM[*]
Defendants-Appellees.	

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

Submitted October 30, 2023[**]

Before: O'SCANNLAIN, FERNANDEZ, SILVERMAN, Circuit Judges.

Raul Arellano appeals pro se from the district court's grant of summary

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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).

judgment in favor of the defendants and the court's denial of his motion for reconsideration. Because the facts are known to the parties, we repeat them only as necessary to explain our decision.

A party's opening brief must include its arguments, including contentions and reasoning. Fed. R. App. P. 28(a)(8)(A). This court does not consider matters that are not "specifically and distinctly argued" in an appellant's opening brief. *Christian Legal Soc'y Chapter of Univ. of Cal. v. Wu*, 626 F.3d 483, 487 (9th Cir. 2010) (quoting *Miller v. Fairchild Indus., Inc.*, 797 F.2d 727, 738 (9th Cir. 1986)). We cannot identify a specific and distinct argument against the district court's judgment in Arellano's opening brief, and we are compelled to strike it and dismiss the appeal. *See* Ninth Circuit Rule 28-1(a); *Cf. Sekiya v. Gates*, 508 F.3d 1198, 1200 (9th Cir. 2007) (per curiam). Mindful of the harshness of this rule, we have reviewed the district court record, and we are satisfied that the district court did not err. *Cf. Sekiya*, 508 F.3d at 1200.

DISMISSED.