

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2023

FOR THE NINTH CIRCUIT

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

PATSY N. SAKUMA, an individual,

No. 22-16929

Plaintiff-Appellant,

D.C. No. 1:16-cv-00274-DKW-
KJM

v.

ASSOCIATION OF APARTMENT
OWNERS OF THE TROPICS AT
WAIKELE, an incorporated association, by
its board of directors; et al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the District of Hawaii
Derrick Kahala Watson, District Judge, Presiding

Submitted December 12, 2023**

Before: WALLACE, LEE, and BUMATAY, Circuit Judges.

Patsy N. Sakuma appeals pro se from the district court's order denying her post-judgment motion for relief under Federal Rules of Civil Procedure 60(b)(1) and 60(b)(6). We have jurisdiction under 28 U.S.C. § 1291. We review for an

* 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).

abuse of discretion. *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying Sakuma’s motion for relief from judgment because Sakuma failed to establish any basis for such relief. *See Henson v. Fidelity Nat’l Fin., Inc.*, 943 F.3d 434, 443-44 (9th Cir. 2019) (“A movant seeking relief under Rule 60(b)(6) must show extraordinary circumstances justifying the reopening of a final judgment.” (citation, internal quotation marks, and alteration omitted)); *id.* at 444-446 (discussing the factors for determining whether a change in law qualifies for relief under Rule 60(b)(6)); *Engleson v. Burlington N. R. Co.*, 972 F.2d 1038, 1043-44 (9th Cir. 1992) (discussing grounds for equitable relief under Rule 60(b)(1)).

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

Sakuma’s motion to supplement the record (Docket Entry No. 23) is denied.

Sakuma’s motions at Docket Entries Nos. 24 and 27 are granted to the extent she seeks to file the reply briefs submitted on July 10, 2023. The Clerk will file the reply briefs at Docket Entry Nos. 25 and 26.

AFFIRMED.