

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 18 2023

FOR THE NINTH CIRCUIT

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

GENE HAZZARD,

Plaintiff-Appellant,

v.

MAYOR LIBBY SCHAAF; CITY OF
OAKLAND, a municipal corporation;
MIALISA BONTA, former CEO of Oakland
Promise; DAVID SILVER, Educational
Director in Mayor Schaaf's Office;
BARBARA PARKER, City Attorney;
COURTNEY RUBY, City Auditor; ED
REISKIN, City Administrator; ANDY
FREMDER, co-founder of East Bay College
Fund; ROB BONTA, former 18th Assembly
District Representative; SABRINA
LANDRETH, former City Administrator,

Defendants-Appellees.

No. 23-15097

D.C. No. 4:22-cv-02921-JSW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted December 12, 2023**

* 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).

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

Gene Hazzard appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's decision on whether to permit oral argument. *Mahon v. Credit Bureau of Placer County Inc.*, 171 F.3d 1197, 1200 (9th Cir. 1999). We affirm.

The district court did not abuse its discretion in ruling on Hazzard's requests for judicial notice and defendants' motion to dismiss without oral argument. *See* Fed. R. Civ. P. 78(b) (stating that "the court may provide for submitting and determining motions on briefs[] without oral hearings"); N.D. Cal. Civ. R. 7-1(b) (stating that "a motion may be determined without oral argument"); *Morrow v. Topping*, 437 F.2d 1155, 1156 (9th Cir. 1971) (concluding that district courts may rule on motions without oral argument). Although Hazzard cites Federal Rule of Evidence 201(e), he provides no law to support his contention that this rule requires oral argument.

The district court did not abuse its discretion in declining supplemental jurisdiction over Hazzard's state law claims. *See* 28 U.S.C. § 1367(c)(3) ("The district courts may decline to exercise supplemental jurisdiction over a [state-law] claim . . . if . . . the district court has dismissed all claims over which it has original

jurisdiction”); *Ove v. Gwinn*, 264 F.3d 817, 821 (9th Cir. 2001) (setting forth standard of review).

We reject as unsupported by the record Hazzard’s contentions that the district court failed to consider the record or failed to address the relevant allegations raised in the operative complaint.

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).

AFFIRMED.