

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 28 2024

FOR THE NINTH CIRCUIT

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

ANDREW U.D. STRAW, Esquire,

No. 23-16039

Plaintiff-Appellant,

D.C. No. 3:23-cv-02265-TLT

v.

MEMORANDUM\*

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court  
for the Northern District of California  
Trina L. Thompson, District Judge, Presiding

Submitted March 26, 2024\*\*

Before: TASHIMA, SILVERMAN, and KOH, Circuit Judges.

Andrew U.D. Straw appeals pro se from the district court's order dismissing his action asserting his entitlement to a "merits decision" from the United States Supreme Court. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal for failure to state a claim under 28 U.S.C.

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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).

§ 1915(e)(2)(B). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Straw’s action because Straw failed to allege facts sufficient to state any plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face” (citation and internal quotation marks omitted)); *see also* U.S. Const. Art. III, § 2 (delegating authority to create regulations concerning the Supreme Court’s appellate jurisdiction to Congress); 28 U.S.C. § 1254(1) (setting forth writs of certiorari as the method through which a party may seek Supreme Court review).

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).

All pending motions and requests are denied.

**AFFIRMED.**