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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AMIR H. SHERVIN and SHIRIN N.
SHERVIN,

Plaintiffs - Appellants,

v.

CITY OF NEWARK, California; et al.,

Defendants - Appellees.

No. 10-17496

D.C. No. 3:08-cv-01631-VRW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, District Judge, Presiding

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Amir H. Shervin and Shirin N. Shervin appeal pro se from the district court's summary judgment in their 42 U.S.C. § 1983 action alleging excessive force, false arrest, and unlawful entry. We have jurisdiction under 28 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

§ 1291. We review de novo, *Olsen v. Idaho State Bd. of Med.*, 363 F.3d 916, 922 (9th Cir. 2004), and we affirm.

Contrary to the Shervins' contention that they did not have an opportunity to oppose summary judgment, the record shows that the Shervins filed an opposition, which was considered by the district court in granting summary judgment.

The district court did not abuse its discretion in denying the Shervins' motions for appointment of counsel because the Shervins failed to demonstrate exceptional circumstances. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (setting forth standard of review and requirement of "exceptional circumstances" for appointment of counsel).

The Shervins' remaining contentions are unpersuasive.

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) (per curiam).

The Shervins' motion for leave to file an addendum to their opening brief, filed on March 9, 2012, and motion for declaratory and injunctive relief, received on June 1, 2012, are denied.

AFFIRMED.