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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JACOB SHECHET,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>MARK Y. KIM, L.A. County C.S.S.D. Atty; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 10-55631

D.C. No. 2:07-cv-04320-MMM-
CW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Margaret M. Morrow, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Jacob Shechet appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging that defendants’ enforcement in California of a child support order entered by a New York court violated his due process rights.

* 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).

We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim, *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001), and for an abuse of discretion the denial of leave to amend, *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011). We affirm.

The district court properly dismissed Shechet's action because Shechet failed to state a claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (though pro se pleadings are to be liberally construed, a plaintiff must nonetheless present factual allegations sufficient to state a plausible claim for relief); *Sprewell*, 266 F.3d at 988 (allegations "that contradict matters properly subject to judicial notice or by exhibit," or "that are merely conclusory, unwarranted deductions of fact, or unreasonable inferences" need not be accepted as true).

The district court did not abuse its discretion in determining that leave to amend was not warranted. *See Cervantes*, 656 F.3d at 1041 ("Although leave to amend should be given freely, a district court may dismiss without leave where a plaintiff's proposed amendments would fail to cure the pleading deficiencies and amendment would be futile.").

Issues that are not specifically and distinctly raised and argued in the opening brief are deemed waived. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th

Cir. 1999).

Defendants' motion to strike, set forth in their Answering Brief, is denied.

AFFIRMED.