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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>AARON RAISER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CITY OF UPLAND,</p> <p>Defendant - Appellee.</p>
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No. 11-55909

D.C. No. 5:11-cv-00465-UA-RZ

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Aaron Raiser appeals pro se from the district court’s order denying his application to proceed in forma pauperis (“IFP”) in his 42 U.S.C. § 1983 action alleging that Upland police officers violated his constitutional rights. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the

* 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).

denial of IFP. *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987). We affirm.

Contrary to Raiser's contention, the district court was not required to review de novo Raiser's purported objections to the magistrate judge's recommendation that his request to proceed IFP be denied. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam) (a pro se litigant is not entitled to file written objections to a magistrates judge's recommendation to deny an IFP request under Federal Rule of Civil Procedure 72). Moreover, it was reasonable under the circumstances for the district court to treat Raiser's objections as a motion for reconsideration.

We do not consider whether the district court properly denied Raiser's request for IFP because Raiser does not specifically and distinctly raise and argue that issue in his opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

Raiser's motion to consolidate this case with a case that has since been closed is denied.

AFFIRMED.