

FEB 27 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ABBY JO OVITSKY,

Plaintiff - Appellant,

v.

STATE OF CALIFORNIA
DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING,

Defendant,

and

K12.COM, DBA California Virtual
Academy, DBA Cava, DBA Delaware
K12, Inc., DBA K12, Inc., DBA
Washington Virtual Academy, in
Washington State, DBA WAVA; et al.,

Defendants - Appellees.

No. 13-55221

D.C. No. 2:11-cv-10142-DMG-
JCG

MEMORANDUM*

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

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

Submitted February 17, 2015**

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

Abby Jo Ovitsky appeals pro se from the district court's judgment dismissing her action alleging violation of the Americans with Disabilities Act ("ADA") and various state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of standing, *Canatella v. California*, 304 F.3d 843, 852 (9th Cir. 2002), and we affirm.

The district court properly dismissed Ovitsky's claim for injunctive relief under the ADA because Ovitsky failed to allege a "real and immediate threat of repeated injury in the future." *Chapman v. Pier 1 Imps. (U.S.) Inc.*, 631 F.3d 939, 946, 949 (9th Cir. 2011) (en banc) (citation and internal quotation marks omitted).

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).

AFFIRMED.

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