

APR 17 2015

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RONALD BRUCE ELLIS,

Plaintiff - Appellant,

v.

CIRCUIT COURT FOR THE STATE OF  
OREGON FOR THE COUNTY OF  
MULTNOMAH; et al.,

Defendants - Appellees.

No. 13-35595

D.C. No. 3:13-cv-00335-MO

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Michael W. Mosman, District Judge, Presiding

Submitted April 7, 2015\*\*

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

Judge Mosman did not err by failing to recuse himself sua sponte because Ellis did not establish a proper basis for a recusal motion. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) (“[J]udicial rulings alone almost never constitute

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\* 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)*.

a valid basis for a bias or partiality motion.”).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See* Fed. R. App. P. 28(a)(8)(A); *Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam) (“This court will not ordinarily consider matters on appeal that are not specifically and distinctly raised and argued in appellant’s opening brief.” (citation and internal quotation marks omitted)); *Leer v. Murphy*, 844 F.2d 628, 634 (9th Cir. 1988) (“Issues raised in a brief which are not supported by argument are deemed abandoned.”).

We also do not consider any facts or documents not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) (“Documents or facts not presented to the district court are not part of the record on appeal.”).

Defendants’ requests for judicial notice, filed on July 21, 2014, are granted.

All other pending motions are denied.

**AFFIRMED.**