

SEP 08 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROB LEAR,

Plaintiff - Appellant,

v.

SEATTLE HOUSING AUTHORITY; et
al.,

Defendants - Appellees.

No. 14-35276

D.C. No. 2:13-cv-00347-JLR

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
James L. Robart, District Judge, Presiding

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Rob Lear appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging that defendants conspired to harm him and deprive him of his property. We have jurisdiction under 28 U.S.C. § 1291. We

* 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).

review de novo. *Franklin v. Fox*, 312 F.3d 423, 436 (9th Cir. 2002). We affirm.

The district court properly granted summary judgment on Lear's conspiracy claims because Lear failed to raise a genuine dispute of material fact as to whether defendants had an agreement to violate his constitutional rights. *See id.* at 441 (elements of § 1983 conspiracy); *see also Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1061 (9th Cir. 2011) ("To survive summary judgment, a plaintiff must set forth non-speculative evidence of specific facts, not sweeping conclusory allegations.").

The district court did not abuse its discretion by denying Lear's request for an injunction in his state eviction proceedings because the proceedings were unrelated to the instant action. *See Thalheimer v. City of San Diego*, 645 F.3d 1109, 1116 (9th Cir. 2011) (setting forth standard of review and factors for evaluating an injunction request).

The district court did not abuse its discretion by denying Lear's discovery requests because they were untimely. *See Childress v. Darby Lumber, Inc.*, 357 F.3d 1000, 1009-10 (9th Cir. 2004) (setting forth standard of review for discovery issues).

The district court did not abuse its discretion by denying Lear's motion for recusal because the judge's impartiality could not reasonably be questioned. *See*

United States v. Johnson, 610 F.3d 1138, 1147 (9th Cir. 2010) (setting forth standard of review and discussing grounds for recusal).

We reject Lear's arguments that the district court held Lear's pleadings to a heightened standard, and failed to address his motion for summary judgment.

We do not consider issues or arguments 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).

All pending motions are denied.

AFFIRMED.