

APR 21 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANCOIS TABI,

Plaintiff - Appellant,

v.

LAZARO ISMAEL ORTEGA, individual
capacity; DWIGHT TEH-WEI LIM,
individual capacity,

Defendants - Appellees.

No. 13-57069

D.C. No. 2:09-cv-00493-DMG-JC

MEMORANDUM*

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

Submitted April 13, 2016**

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

Francois Tabi appeals pro se from the district court's order dismissing his
42 U.S.C. § 1983 action in accordance with the terms of a settlement agreement.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

* 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).

discretion a decision to enforce a settlement agreement. *Wilcox v. Arpaio*, 753 F.3d 872, 875 (9th Cir. 2014). We affirm.

The district court did not abuse its discretion in denying Tabi's motion to withdraw his stipulation to the settlement agreement, and dismissing Tabi's action in accordance with the terms of the settlement agreement. Tabi failed to establish that his consent to the agreement was not informed. *See Jones v. Taber*, 648 F.2d 1201, 1203 (9th Cir. 1981) (a release of claims under § 1983 must be voluntary, deliberate, and informed).

We reject as unsupported by the record Tabi's contentions that his counsel, the mediator, and the district court were biased against him or otherwise violated his due process rights.

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).

AFFIRMED.