

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2016

FOR THE NINTH CIRCUIT

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

ROYAL E. GLAUDE,

Plaintiff-Appellant,

v.

POSTMASTER GENERAL,

Defendant-Appellee.

No. 15-15241

D.C. No. 3:14-cv-04071-MEJ

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Maria-Elena James, Magistrate Judge, Presiding**

Submitted September 13, 2016***

Before: HAWKINS, N.R. SMITH, and HURWITZ, Circuit Judges.

Royal E. Glaude appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his appeal from the Merit Systems Protection

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

Board (“MSPB”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Greenlaw v. Garrett*, 59 F.3d 994, 997 (9th Cir. 1995), and we affirm.

The district court properly concluded that it lacked subject matter jurisdiction over Glaude’s appeal from the MSPB’s final order because the MSPB dismissed Glaude’s claims for lack of jurisdiction, and any appeal of such an order must be made to the United States Court of Appeals for the Federal Circuit. *See* 5 U.S.C. § 7703(b) (with limited exception, MSPB decisions are appealable only to the Federal Circuit); *Sloan v. West*, 140 F.3d 1255, 1262 (9th Cir. 1998) (“[A]ppeals of MSPB jurisdictional decisions involving mixed claims are properly venued in the Federal Circuit Court of Appeals.”).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and documents raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n. 2 (9th Cir. 2009); *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.”).

AFFIRMED.