

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2016

FOR THE NINTH CIRCUIT

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

JASON McKINLEY WARD,

Plaintiff-Appellant,

v.

SHERMAN HATCHER; et al.,

Defendants-Appellees.

No. 16-15028

D.C. No. 3:89-cv-00265-HDM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Howard D. McKibben, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Nevada state prisoner Jason McKinley Ward appeals pro se from the district court's order denying his motion to reopen his 42 U.S.C. § 1983 action and denying his request for sanctions. We have jurisdiction under 28 U.S.C. § 1291.

We review for an abuse of discretion. *Weeks v. Bayer*, 246 F.3d 1231, 1234 (9th

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

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

Cir. 2001) (motion to reopen); *Holgate v. Baldwin*, 425 F.3d 671, 675 (9th Cir. 2005) (sanctions). We affirm.

The district court did not abuse its discretion by denying Ward's motion to reopen the action and motion for sanctions against defendants because Ward did not demonstrate grounds for relief. *See Weeks*, 246 F.3d at 1236 (holding that an action is not properly reopened "absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." (citation and internal quotation marks omitted)); *Holgate*, 425 F.3d at 677-78 (9th Cir. 2005) (setting forth the requirements for sanctions).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All outstanding requests are denied.

AFFIRMED.