

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 25 2017

FOR THE NINTH CIRCUIT

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

KEITH ALAN LASKO, Reverend Doctor,
Minister of Worldwide Ministries of Jesus
Christ,

Plaintiff-Appellant,

v.

WILLIAM C. ROBERTS; et al.,

Defendants-Appellees.

No. 16-15455

D.C. No. 2:15-cv-00967-KJD-GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted April 11, 2017**

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

Keith Alan Lasko appeals pro se from the district court's judgment
dismissing as duplicative his action alleging violations of federal and state law.

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 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).

discretion, *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880, 904 (2008), and we may affirm on any basis supported by the record, *Johnson v. Riverside Healthcare System, LP*, 543 F.3d 1116, 1121 (9th Cir. 2008). We affirm.

Dismissal of Lasko's action was proper on the basis of issue preclusion because the issue of whether the allegedly defamatory statements were false was actually litigated and decided against Lasko in a prior action, *Lasko v. Am. Bd. of Surgery, Inc.*, No. 2:13-cv-01893-JAD-NJK (D. Nev. Dec. 14, 2015). *See Taylor*, 553 U.S. at 892 (setting forth elements of issue preclusion).

We reject as meritless Lasko's contention that he was held to a higher pleading standard as a pro se litigant.

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.