

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 31 2017

FOR THE NINTH CIRCUIT

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

GREGORY STESHENKO,

Plaintiff-Appellant,

v.

GERALDINE M. ALBEE; et al.,

Defendants-Appellees.

No. 15-16379

D.C. No. 5:13-cv-04948-LHK

GREGORY STESHENKO,

Plaintiff-Appellant,

v.

SUZANNE GAYRARD; et al.,

Defendants-Appellees.

No. 15-16397

D.C. No. 5:13-cv-03400-LHK

MEMORANDUM*

Appeals from the United States District Court
for the Northern District of California
Lucy H. Koh, District Judge, Presiding

Submitted May 24, 2017**

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

** The panel unanimously concludes these cases are suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Before: THOMAS, Chief Judge, and SILVERMAN and RAWLINSON,
Circuit Judges.

In these consolidated appeals, Gregory Steshenko appeals pro se from the district court's orders dismissing for untrue allegations of poverty under 28 U.S.C. § 1915(e)(2)(A) his actions alleging claims under the Age Discrimination in Employment Act and other federal laws. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

Under any potentially applicable standard of review, the district court did not err in dismissing Steshenko's actions on the basis of its finding that Steshenko made untrue allegations of poverty because Steshenko failed to disclose on his applications to proceed in forma pauperis that he owned a home. *See* 28 U.S.C. § 1915(e)(2)(A) (“[T]he court shall dismiss the case at any time if the court determines that . . . the allegation of poverty is untrue[.]”); *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 338 (1948) (explaining that the dismissal of an action where the allegation of poverty is untrue is a “sanction[] to protect against false affidavits”).

We reject as without merit Steshenko's contention that the district court was required to hold a hearing or oral argument before ruling on defendants' motions to dismiss. *See* Fed. R. Civ. P. 78(b).

We do not consider Steshenko's challenges to Judge Seeborg's rulings in an unrelated action because they are not within the scope of this appeal.

We do not consider Steshenko's arguments regarding the disclosure of his marital status on his applications to proceed in forma pauperis because the district court did not reach that issue.

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

AFFIRMED.