

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2017

FOR THE NINTH CIRCUIT

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

JUNE M. CANTRELL; FREDDIE
CANTRELL, Jr.,

Plaintiffs-Appellants,

v.

CAPITAL ONE, N.A.,

Defendant-Appellee.

No. 16-15936

D.C. No. 2:15-cv-02023-GMN-
GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, Chief Judge, Presiding

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

June M. Cantrell and Freddie Cantrell, Jr., appeal pro se from the district court's judgment dismissing their action alleging state law claims and violations of the Truth in Lending Act and the Fair Debt Collection Practices Act. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a

* 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).

dismissal on the basis of the rule against claim-splitting. *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled in part on other grounds by Taylor v. Sturgell*, 553 U.S. 880 (2008). We affirm.

The district court did not abuse its discretion by dismissing the Cantrells' action because the instant action is duplicative of the Cantrells' earlier action against defendant in the same district court. *See id.* at 688-89 (explaining that an action is duplicative if “the causes of action and relief sought, as well as the parties . . . to the action, are the same” and setting forth criteria for the “transaction test” to determine whether the causes of action are the same (citations omitted)).

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).

We reject as unsupported by the record the Cantrells' contention that the district judge was biased.

Appellee's motion to supplement the record (Docket Entry No. 8) is granted.

AFFIRMED.