

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 17 2017

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

HECTOR CAMARENA,

Plaintiff-Appellant,

v.

CUSTOMS AND BORDER
PROTECTION; et al.,

Defendants-Appellees.

No. 16-56233

D.C. No. 3:14-cv-01152-LAB-DHB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted July 11, 2017**

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

Hector Camarena appeals pro se from the district court's order denying his motion for relief from the judgment following the dismissal of his action without prejudice for failure to pay the filing fee. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Casey v. Albertson's Inc.*, 362 F.3d

* 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).

1254, 1257 (9th Cir. 2004). We affirm.

The district court did not abuse its discretion by denying Camarena's motion for relief from the judgment because Camarena did not identify any grounds for such relief from the judgment. *See* Fed. R. Civ. P. 60(b); *United Nat'l Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009) (setting forth grounds for relief).

We do not consider matters 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.