

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 15 2017

FOR THE NINTH CIRCUIT

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

HOWARD COCHRAN,

Plaintiff-Appellant,

v.

ROBERT RAMSEY, Police Officer at
Phoenix Police Department; MICHAEL
FEIST, Officer,

Defendants-Appellees.

No. 16-16217

D.C. No. 2:11-cv-02538-GMS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Howard Cochran appeals pro se the district court's judgment following bench trial in his 42 U.S.C. § 1983 action alleging excessive force. We have jurisdiction under 28 U.S.C. § 1291. We review for clear error the district court's

* 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).

findings of fact and accord special deference to the district court's credibility determinations. *Allen v. Iranon*, 283 F.3d 1070, 1076, 1078 n.8 (9th Cir. 2002).

We affirm.

The district court did not clearly err in its factual findings or credibility determinations because both were “plausible in light of the record viewed in its entirety.” *Husain v. Olympic Airways*, 316 F.3d 829, 835 (9th Cir. 2002) (“[I]f the district court's findings are plausible in light of the record viewed in its entirety, the appellate court cannot reverse even if it is convinced it would have found differently.”).

We reject as unsupported by the record Cochran's contentions that the district court was biased against him.

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.